FEDERAL REGISTER

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Washington, Saturday, January 3, 1959

Title 3—THE PRESIDENT

Proclamation 3266

DETERMINING CERTAIN DRUGS TO BE OPIATES

By the President of the United States of America

A Proclamation

WHEREAS section 4731 (g) of the Internal Revenue Code of 1954 provides in part as follows:

OPIATE.—The word "opiate", as used in this part shall mean any drug (as defined in the Federal Food, Drug, and Cosmetic Act; 52 Stat. 1041, section 201 (g); 21 U. S. C. 321) found by the Secretary or his delegate, after due notice and opportunity for public hearing, to have an addiction-forming or addiction-sustaining liability similar to morphine or cocaine, and proclaimed by the President to have been so found by the Secretary or his delegate. * * *;

AND WHEREAS the Secretary of the Treasury, after due notice and opportunity for public hearing, has found that each of the following-named drugs has an addiction-forming or addiction-sustaining liability similar to morphine, and that in the public interest this finding should be effective immediately:

(1) (–) 3-Hydroxynormorphinan [(–) 3-Hydroxymorphinan].

(2) 2'-hydroxy-2,5,9-trimethyl-6,7-benzmorphan.

(3) 3-Allyl-1-methyl-4-phenyl-4-propionoxypiperidine.

(4) Dimethylaminoethyl diphenyl-α-ethoxyacetate.

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby proclaim that the Secretary of the Treasury has found that each of the aforementioned drugs has an addiction-forming or addiction-sustaining liability similar to morphine and that in the public interest this finding should be effective immediately.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States to be affixed.

DONE at the City of Washington this 24th day of December in the year of our Lord nineteen hundred and [SEAL] fifty-eight, and of the Independence of the United States of America the one hundred and eighty-third.

DWIGHT D. EISENHOWER

By the President:

CHRISTIAN A. HERTER,
Acting Secretary of State.

[F. R. Doc. 58-10808; Filed Dec. 31, 1958; 1:38 p. m.]

Proclamation 3267

ABRAHAM LINCOLN SESQUICENTENNIAL YEAR

By the President of the United States of America

A Proclamation

WHEREAS the year 1959 marks the one hundred and fiftieth anniversary of the birth of Abraham Lincoln; and

WHEREAS, by spirit and by statesmanship, Lincoln brought our Union through an awesome struggle to maintain its national character and to establish the right of each citizen to enjoy the fruits of his own toil; and

WHEREAS in his writing and speaking Lincoln described the nature of American democracy—"of the people, by the people, for the people"—with such clarity and splendor that it became the inspiration for movements toward free and responsible government the world over; and

WHEREAS the Congress, by a joint resolution approved August 27, 1958 (72 Stat. 932), provided for a joint session of the Congress on February 12, 1959, to commemorate the sesquicentennial of the birth of Abraham Lincoln; and

WHEREAS the Congress, by a joint resolution approved September 2, 1957 (71 Stat. 587), established the Lincoln Sesquicentennial Commission to develop

(Continued on p. 39)

CONTENTS

THE PRESIDENT

Proclamations

EXECUTIVE AGENCIES

Agricultural Marketing Service

Agriculture Department

Civil Aeronautics Board

FEDERAL REGISTER

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CONTENTS—Continued

CONTENTS—Continued

CONTENTS—Continued

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

CODIFICATION GUIDE—Con.

CODIFICATION GUIDE—Con.

plans for commemorating the one hundred and fiftieth anniversary of the birth of Abraham Lincoln, and requested the President to issue a proclamation inviting the people of the United States to observe that anniversary:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, in accordance with the purposes of the Congress, do hereby call upon all agencies and officers of the Federal Government, upon the Governors of the States, and upon the American people, to observe the year 1959 as the Abraham Lincoln Sesquicentennial Year, and throughout this period—and especially during the week February 5 to 12—to do honor to Lincoln's memory by appropriate activities and ceremonies, by a restudy of his life and his spoken and written words, and by personal rededication to the principles of citizenship and the philosophy of government for which he gave "the last full measure of devotion".

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 29th day of December in the year of our Lord nineteen hundred and fifty-eight, and of the Independence of the United States of America the one hundred and eighty-third.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

CHRISTIAN A. HERTER,
Acting Secretary of State.

[F. R. Doc. 58-10809; Filed, Dec. 31, 1958; 1:38 p. m.]

RULES AND REGULATIONS

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Miscellaneous Revocations

Effective as of January 19, 1959, paragraph (i) of § 6.101, paragraph (a) (2) of § 6.105, and paragraph (b) (1) of § 6.107 are revoked.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 59-3; Filed, Jan. 2, 1959; 8:45 a. m.]

PART 27—EXCLUSION FROM PROVISIONS OF FEDERAL EMPLOYEES PAY ACT OF 1945, AS AMENDED, AND CLASSIFICATION ACT OF 1949, AS AMENDED, AND ESTABLISHMENT OF MAXIMUM STIPENDS FOR POSITIONS IN GOVERNMENT HOSPITALS FILLED BY STUDENT OR RESIDENT TRAINEES

Department of Health, Education, and Welfare Student Dental Assistants

1. Effective December 22, 1958, § 27.1 is amended by the addition of the following item:

§ 27.1 Exclusion from provisions of the Federal Employees Pay Act and Classification Act. * * *

Student dental assistants, Department of Health, Education, and Welfare: approved training during clinical affiliation.

2. Effective December 22, 1958, § 27.2 is amended by the addition of the following item:

§ 27.2 Maxmum stipends prescribed. * * *

Student dental assistants, Department of Health, Education, and Welfare: approved training during clinical affiliation, no stipend other than any maintenance provided.

(61 Stat. 727; 5 U. S. C. 1051-1058)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 59-36; Filed, Jan. 2, 1959; 8:49 a. m.]

Title 7—AGRICULTURE

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 812]

PART 812—SUGAR REQUIREMENTS AND QUOTAS; HAWAII AND PUERTO RICO

Calendar Year 1959

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended, hereinafter called the "act") and the Administrative Procedure Act (60 Stat. 237), these regulations are hereby made, prescribed, and published to be in force and effect for the calendar year 1959 or until amended or superseded by regulations hereafter made during the calendar year 1959.

Basis and purpose. The determinations and the sugar quotas set forth below have been made and established pursuant to section 203 of the act. The act provides for the Secretary of Agriculture to make such determinations and establish such quotas for the calendar year 1959 during December 1958. The determinations of the sugar requirements have been based insofar as required by section 201 of the act, on official statistics of the Department of Agriculture and statistics published by other agencies of the Federal Government. The purpose of such determinations is to provide the amounts of sugar needed to meet the requirements of consumers in the Territory of Hawaii and in Puerto Rico for the calendar year 1959. The determinations provide the basis for the establishment of sugar quotas for such year for local consumption therein pursuant to section 203 of the act.

Prior to the issuance of these regulations, notice was given (23 F. R. 7625) that the Secretary of Agriculture was preparing, among other things, to determine the 1959 calendar year sugar requirements and quotas for local consumption in Hawaii and Puerto Rico and that any interested person might present any data, views or arguments with respect thereto in writing not later than December 8, 1958. Due consideration has been given to the data, views and arguments submitted in accordance with the Administrative Procedure Act.

Since the act provides that the Secretary of Agriculture determine sugar requirements and establish quotas for local consumption in Hawaii and in Puerto Rico during December 1958 to be applicable for the calendar year 1959, it is impracticable and not in the public interest to comply with the 30-day effective date requirements of the Administrative Procedure Act. Accordingly, these regulations shall be effective January 1, 1959.

§ 812.1 Sugar requirements and quota, Hawaii 1959.

It is hereby determined, pursuant to section 203 of the act, that the amount of sugar needed to meet the requirements of consumers in the Territory of Hawaii for the calendar year 1959 is 45,000 short tons, raw value, and a quota of 45,000 short tons, raw value, is hereby established for the Territory of Hawaii for local consumption.

§ 812.2 Sugar requirements and quota, Puerto Rico, 1959.

It is hereby determined, pursuant to section 203 of the act, that the amount of sugar needed to meet the requirements of consumers in Puerto Rico for the calendar year 1959 is 120,000 short tons, raw value, and a quota of 120,000 short tons, raw value, is hereby established for Puerto Rico for local consumption.

§ 812.3 Restrictions on marketing.

Pursuant to section 209 of the act, for the calendar year 1959 all persons are hereby prohibited from marketing, pursuant to Part 816 of this chapter (23 F. R. 1943), in the Territory of Hawaii or in Puerto Rico, for consumption therein, any sugar or liquid sugar after the quota for the area for the calendar year 1959 has been filled. Pursuant to section 211 (c) of the act, the quota for each area may be filled only with sugar produced from sugarcane grown in the respective area.

Statement of Bases and Considerations

Pursuant to section 203 of the act, the provisions of section 201 of the act deemed applicable to the determination of the amounts of sugar needed to meet the requirements of consumers in Hawaii and in Puerto Rico relate to (1) the quantities of sugar distributed for local consumption in Hawaii and in Puerto Rico during the twelve-month period ended October 31, 1958; (2) deficiencies or surpluses in inventories of sugar, and (3) changes in consumption because of changes in population and demand conditions.

The quantities of sugar distributed for consumption in Hawaii and Puerto Rico, including that which was lost in refining after charge to the local quotas, during such twelve-month period were approximately 40,000 short tons of sugar, raw value, and 115,000 short tons of sugar, raw value, respectively.

No official estimate of total population for either of these areas for 1958 or 1959 is available. Previous trends indicate a small annual increase in population may be expected.

In Hawaii industrial use accounts for a substantial portion of the total con-

sumption of sugar and this demand varies enough to make it a significant factor in the total sugar requirements. Recent trends and year to year variations suggest the possibility that requirements may be considerably higher in 1959 than in the twelve months ended October 31, 1958.

In Puerto Rico sugar distribution for local consumption, plus the quantity charged to the local quota but lost in refining sugar locally, amounted to slightly in excess of 110,000 short tons, raw value in 1957 and for 1958 will likely exceed that quantity since local distribution during the first ten months was approximately 5,000 tons greater in 1958 than in 1957. January 1, 1959 invisible inventories, those held by wholesalers, retailers and sugar users, and refiner stocks of sugar charged to the previous year's quota are expected to be significantly smaller than the average of such supplies of recent years. It is, therefore, desirable to establish requirements and quotas sufficiently high to provide for an increased need for local distribution in 1959 and to provide amply for year-end stocks for use in the early part of 1960.

Circumstances prevailing in the utilization of quota for local consumption in Hawaii and Puerto Rico are such that no special problems arise nor are the objectives of the act jeopardized if the 1959 local quota is not completely filled. It is, therefore, desirable to establish the 1959 requirements and quotas sufficiently high initially so that later adjustments may be avoided.

In accordance with the above, the quotas for local consumption in Hawaii and Puerto Rico for 1959 have been established at 45,000 and 120,000 short tons, raw value, respectively.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies secs. 201, 203, 209, 210; 61 Stat. 923, as amended, 925, 928; 7 U. S. C. 1111, 1113, 1119, 1120)

Done at Washington, D. C., this 30th day of December, 1958.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 59-10802; Filed, Dec. 31, 1958; 8:45 a. m.]

SUBCHAPTER I—DETERMINATION OF PRICES

PART 877—SUGARCANE; PUERTO RICO

1958–59 Crop

Pursuant to the provisions of section 301 (c) (2) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation, and due consideration of evidence presented at the public hearing held in Santurce, Puerto Rico, on October 16, 1958, the following determination is hereby issued:

§ 877.11 Fair and reasonable prices for the 1958–59 crop of Puerto Rican sugarcane.

A producer of sugarcane in Puerto Rico who is also a processor of sugarcane (herein referred to as "processor"), shall have paid, or contracted to pay, for sugarcane of the 1958–59 crop grown by other producers and processed by him, in accordance with the following requirements:

(a) *Definitions.* For the purpose of this section, the term:

(1) "Raw sugar" means raw sugar as made converted to 96° basis.

(2) "Sugar yield period" means any period not exceeding one calendar month as may be elected by the processor to determine the yield of raw sugar. The period adopted by the processor shall be used uniformly throughout the grinding season. In instances where odd days occur because a processor begins or ends grinding on a day which does not correspond with the beginning or ending of the sugar yield period, or grinding is interrupted because of holidays or for other reasons, such odd days shall be included either in the prior or subsequent sugar yield period, or treated as a separate sugar yield period.

(3) "Price of raw sugar" means the daily spot quotation of raw sugar of the New York Coffee and Sugar Exchange (domestic contract), adjusted to a duty-paid basis by adding the U. S. duty prevailing on Cuban raw sugar, except, that if the Director of the Sugar Division determines that such price does not reflect the true market value of raw sugar, he may designate the price to be effective under this determination which he determines will reflect the true market value of raw sugar.

(4) "Inferior varieties of sugarcane" means sugarcane of the Saccharum Spontaneum or Saccharum Sinense variety (including sugarcane of the Japanese, Uba, Kavangerie, Zuinga, Caledonia, Coimbatore 213 and Coimbatore 281 varieties).

(5) "Yield of raw sugar" means the yield of raw sugar per 100 pounds of net sugarcane determined for the sugar yield period in accordance with the formula set forth in Schedule A attached hereto and made a part hereof.

(6) "Net sugarcane" means (i) the gross weight of the sugarcane delivered to the mill determined to contain a quantity of trash not in excess of 5 percent of the gross weight, or (ii) the gross weight of the sugarcane delivered to the mill less the quantity of trash determined to be in excess of 5 percent of such gross weight.

(b) *Payment for sugarcane.* (1) The payment for net sugarcane delivered by the producer to the processor shall be made as agreed upon by the producer and the processor, either by the delivery to the producer of his share of raw sugar or by the payment to the producer of the money value of his share of raw sugar. In instances where raw sugar is delivered to the producer, the processor shall deliver such sugar packed in the customary bags or, if the raw sugar is delivered in bulk, the processor shall pay to the producer an amount equal to the average bag discount sustained by the processor on the processor's own bulk sugar of the 1958–59 crop.

(2) For each 100 pounds of net sugarcane (including inferior varieties of sugarcane) having a yield of raw sugar of 9 pounds or more, the payment shall be not less than the quantity of raw sugar determined by applying the following applicable percentage to the yield of raw sugar of the producer's net sugarcane:

Pounds of raw sugar per 100 pounds of net sugarcane:	*Percentage*
9.0	63.0
9.5	63.5
10.0	64.0
10.5	64.5
11.0	65.0
11.5	65.5
12.0	66.0
12.5	66.5
13.0	67.0
13.5 and over	67.5

Intermediate points within the above scale are to be interpolated to the nearest one-tenth point.

(3) For each 100 pounds of net sugarcane (including inferior varieties of sugarcane) having a yield of raw sugar of less than 9 pounds, the payment shall be not less than the quantity determined by subtracting 3⅓ pounds of raw sugar from the yield of raw sugar of the producer's net sugarcane.

(4) If settlement with the producer is made in cash, the processor shall pay to the producer the money value of his share of raw sugar determined on the basis of the simple average price of raw sugar for the period January 1, 1959 through December 31, 1959, converted to an f. o. b. mill price by subtracting the admissible deductions for selling and delivery expenses on raw sugar in accordance with Schedule B as set forth below.

(c) *Molasses payment.* For each ton of net sugarcane delivered, the processor shall pay to the producer an amount equal to the product of (1) 66 percent of the net proceeds per gallon of blackstrap molasses sold of the 1958–59 crop in excess of five cents per gallon, and (2) the average production of blackstrap molasses per ton of net sugarcane of the 1958–59 crop processed at each mill. A processor operating more than one mill shall compute the average gross proceeds from the sales of molasses produced at all mills operated by such processor and shall compute the net proceeds separately for each mill operated by such processor. Admissible items of selling and delivery expenses to be used in calculating molasses net proceeds are listed in Schedule C set forth below.

(d) *Determination of net sugarcane.* (1) The net sugarcane of each producer (including the processor) which is delivered to the mill each day shall be determined as follows: The processor jointly with a representative designated by the producers or producer organizations in any mill area, or in the absence of a producer representative the processor, shall examine the sugarcane deliveries and estimate whether the deliveries contain a quantity of trash (i) not in excess of 5 percent of the gross weight, or (ii) in excess of 5 percent of the gross weight. As to the deliveries of sugarcane of any producer which are estimated to contain trash not in excess of 5 percent, the gross weight of the sugarcane delivered shall be the net weight. As to the deliveries of sugar-

cane of any producer estimated by both the processor and the representative of producers or by either of such parties to contain trash in excess of 5 percent, the net weight shall be determined by taking a representative sample of not less than 100 pounds of sugarcane from one or more of the deliveries deemed to be representative and separate therefrom all trash. The weight of the trash which is removed from the sample of sugarcane shall be expressed as a percentage of the gross weight of the sample. If such percentage exceeds 5 percent, the difference between 100 percent and such excess percentage shall be applied to the gross weight of the sugarcane delivery from which the sample was taken to determine the net weight of such sugarcane, and the same percentage as determined above shall be applied to the gross weight of all other deliveries of sugarcane delivered by that producer during the same day which are estimated to contain trash content reasonably similar to the delivery from which the sample was taken.

(2) With respect to the sample taken as provided above in this paragraph, the processor may make a separate determination of the weight of soil and stones contained in such sample taken of a producer's sugarcane and may charge the producer 5 cents per ton of net sugarcane delivered during the day which is represented by the sample for each one percent, fractions in proportion, by which the weight of soil and stones is in excess of one percent of the gross weight of the sample.

(e) *Sampling charges.* The processor may charge the producer 66 percent of the actual cost, but not to exceed $2.64, for each sample taken to cover the cost of sampling and measuring the actual quantity of trash. If a separate determination is made of the weight of soil and stones, the cost thereof shall be borne by the processor.

(f) *Services and allowances to producers.* (1) When payment is made to the producer by the delivery of raw sugar, the processor shall store and insure all such sugar through December 31, 1959, and shall bear the costs thereof.

(2) When payment is made to the producer by the delivery of raw sugar, the processor shall share with the producer on a pro rata basis all ocean shipping facilities available to the processor.

(3) Allowances made to producers by the processor for the 1957–58 crop shall be made for the 1958–59 crop at the rates which were effective under comparable conditions in 1957–58; the costs of services which were borne by the processor for the 1957–58 crop shall be borne for the 1958–59 crop: *Provided,* That nothing in this subparagraph shall be construed as prohibiting modification of practices which may be necessary because of unusual circumstances, any modifications to be subject to approval of the Caribbean Area Agricultural Stabilization and Conservation Office, Santurce, Puerto Rico (herein referred to as the "Area Office").

(g) *Reporting requirements.* (1) The processor shall submit to the Area Office a list of those producers with whom settlement will be made in cash and those with whom settlement will be made in sugar, together with a statement as to the sugar yield period which will be used during the grinding season. Such information shall be submitted not later than 7 days after grinding commences, except that in extenuating circumstances an extension may be granted by the Director of the Area Office.

(2) The processor shall submit in duplicate to the Area Office statements verified by a Certified Public Accountant of the deductions made in determining the f. o. b. mill price of sugar and the net proceeds from molasses. Such statements shall be submitted not later than August 1, 1960, except that in extenuating circumstances an extension may be granted by the Director of the Area Office.

(h) *Subterfuge.* The processor shall not reduce the returns to the producer below those determined in accordance with the requirements of this determination through any subterfuge or device whatsoever.

Statement of Bases and Considerations

(a) *General.* The foregoing determination establishes the fair and reasonable price requirements which must be met, as one of the conditions for payment under the act, by a producer who processes sugarcane of the 1958–59 crop grown by other producers.

(b) *Requirements of the act.* Section 301 (c) (2) of the act provides as a condition for payment, that the producer on the farm who is also directly or indirectly a processor of sugarcane, as may be determined by the Secretary, shall have paid, or contracted to pay under either purchase or toll agreements, for sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

(c) *1958–59 price determination.* This determination continues in general the provisions of the 1957–58 determination. Two changes are made to recognize current practices of the industry. One provides that the weight of the trash sample from sugarcane deliveries estimated to contain excessive trash is to be not less than 100 pounds, instead of within the range of 100 to 200 pounds specified in the prior determination. The other change itemizes separately for bulk and bagged raw sugar admissible selling and delivery expenses which may be deducted to calculate the f. o. b. mill price of raw sugar used in making settlements with producers.

A public hearing was held in Santurce, Puerto Rico on October 16, 1958, at which interested persons were afforded the opportunity to present their views relating to fair and reasonable prices for the 1958–59 crop of sugarcane. The representative of the Grower-Processor Committee recommended that the size of the sample to be tested for trash weigh not less than 100 pounds but that no limit be placed on the maximum weight; that producers be charged for trash sampling only when the trash content exceeds the 5 percent tolerance; that no change be made in the admissible deductions for selling and delivery expenses; and that the other provisions of the 1957–58 crop determination continue unchanged. Representatives of three processors submitted data on the results of trash sampling tests conducted during the 1957–58 crop harvest. They stated that the weight of the sample was difficult to control, especially where mechanical grabs were used, and recommended that the maximum limit on the weight of the trash sample be deleted.

Consideration has been given to the testimony presented at the hearing, to information obtained through investigation and to other pertinent matters. Analysis of the comparative costs, returns, and profits of producing and processing sugarcane obtained through field survey and recast in terms of prospective price and production conditions for the 1958–59 crop, indicates that the sharing relationship between producers and processors provided in this determination is equitable.

Recent fair price determinations have provided that sugarcane deliveries were to be examined for trash content jointly by representatives of producers and processors or in the absence of a producer-representative, the sugarcane was to be examined by a processor representative. If any delivery was estimated to contain trash not in excess of 5 percent the gross weight was considered to be the net weight. If any delivery was estimated to contain more than 5 percent trash a sample of the sugarcane delivery was to be taken to determine the actual trash content used as the basis for determining net weight. The size of the trash sample was to be within the range of 100 to 200 pounds. Further, processors were permitted to charge producers 66 percent of the actual cost of sampling sugarcane deliveries for trash but not to exceed $2.64 for any sample.

At the hearing the representative of the Grower-Processor Committee and representatives of three individual processors recommended that there be no limit on the maximum size of the trash sample. This recommendation has been adopted. These representatives pointed out that where mechanical grabs are used the size of the trash sample is difficult to control and that it is often more economical to gather large samples than to select smaller ones. They further stated that larger samples may be more representative of sugarcane deliveries. The revised provision specifies that trash samples shall weigh not less than 100 pounds. However, processors may not increase the amount charged producers for taking trash samples above a maximum of $2.64 regardless of the size of the sample.

The representative of the Grower Processor Committee also recommended that producers should not be charged for trash sampling in instances where a delivery of sugarcane is estimated to contain more than 5 percent trash and the actual sample taken reveals only 5 percent, or less, trash. This recommendation has not been adopted. Examination of practices followed during

the 1957–58 crop indicates that in most cases producer-representatives were not present when the deliveries of sugarcane were examined for trash content. Accordingly, the entire burden of appraising the trash content of cane was borne by the processor. If the provision for the determination of excessive trash on sugarcane is to be fully effective, it is believed that producers should continue to bear their share of the costs of sampling sugarcane which is estimated to contain more than 5 percent trash.

A recent investigation of the handling of sugar in Puerto Rico indicates that all of the raw sugar moving to the mainland in 1958 was shipped in bulk form. The investigation also revealed the particular items of expenses which are related to handling and shipping of raw sugar in bulk. These expenses differ in some respects from those formerly incurred on raw sugar shipped in bags. Accordingly, the admissible selling and delivery expenses which may be deducted in arriving at the f. o. b. mill price of raw sugar for producer payment purposes have been separately stated for bulk sugar and for sugar in bags. The expenses relating to bagged sugar are retained in this determination inasmuch as there exists the possibility of small shipments of sugar in bags during 1959.

After consideration of all factors this determination is considered to be fair and reasonable. Accordingly, I hereby find and conclude that the foregoing price determination will effectuate the price provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 301, 61 Stat. 929, as amended; 7 U. S. C. Sup. 1131)

Issued this 30th day of December, 1958.

[SEAL] TRUE D. MORSE,
Acting Secretary.

SCHEDULE A

FORMULA FOR DETERMINING THE "YIELD OF RAW SUGAR" FOR EACH PRODUCER

$$R-TI\ (S-0.3B)F$$

where:

R=Yield of raw sugar, 96° basis;

S=Polarization of the crusher juice obtained from the sugarcane of each producer;

B=Brix of the crusher juice obtained from the sugarcane of each producer;

T=Trash correction factor which varies inversely with the amount of trash contained in the sugarcane of each producer from 1.0 for sugarcane which contains an amount of trash not in excess of 5 percent of the gross weight of sugarcane to 0.90075 for sugarcane which contains an amount of trash in excess of 16 percent of the gross weight of sugarcane.

I=Inferior sugarcane correction factor which is applied only to inferior varieties of sugarcane of each producer and is determined as follows:

(a) When the parity, P, (where $P=100\ S\div B$), of the crusher juice of sugarcane is equal to 75 or more, the factor, $I=0.9$; or

(b) When the parity, P, (where $P=100\ S\div B$), of the crusher juice of such sugarcane is less than 75, the factor, $I=0.9-0.02\ (75-P)$;

F=Yield factor which is determined as follows:

(a) Determine the "tentative recovery of raw sugar", 96° basis, for each producer delivering sugarcane during the settlement period from the product of the formula $(S-0.3B)$, the number of hundredweights of net sugarcane, the applicable trash correction factor, T; and where applicable the inferior sugarcane correction factor, I; and

(b) Divide the pounds of the raw sugar, 96° basis, produced during the settlement period at the mill by the sum of the "tentative recoveries of raw sugar" for all producers to obtain the yield factor, F.

SCHEDULE B

ADMISSIBLE DEDUCTIONS FOR SELLING AND DELIVERY EXPENSES ON RAW SUGAR

Admissible deductions for selling and delivery expenses are for those expenses incurred on 1958–59 crop raw sugar which commence with the unstacking of raw sugar in bags or the reclaiming of raw sugar in bulk at the warehouse and include expenses incurred thereafter incidental to the delivery of raw sugar to the purchaser. The deductions are limited to the sum of the following expenses actually incurred at each mill operated by a processor, net of any receipts which reduce such expenses:

(a) *Raw sugar in bulk:*

(1) Freight from mill (or mill's warehouse) to bulk raw sugar loading terminal, including covering cars or trucks where necessary;

(2) Weighing, testing, receiving, handling and loading aboard ship at bulk terminal;

(3) Ocean freight;

(4) Unloading at destination;

(5) Freight demurrage resulting from causes beyond the control of the shipper;

and an allowance of 7.0 cents per hundredweight of 96° raw sugar, in lieu of:

(6) Reclaiming, weighing and loading at mill or mill's warehouse;

(7) Shore risk, marine and war risk insurance;

(8) Brokerage or commissions and exchange;

(9) Weighing, testing and sampling at destination;

(10) All other expenses not itemized herein.

(b) *Raw sugar in bags:*

(1) Freight from warehouse to dock, including covering cars or trucks where necessary;

(2) Handling at dock, including unloading and stacking;

(3) Wharfage, lighterage, and dock warehousing when incurred as an item separate from wharfage and when necessary in delivery of sugar from warehouse or mill to shipside;

(4) Ocean freight, including loading and unloading;

(5) Freight demurrage resulting from causes beyond the control of shipper;

and an allowance of 8.7 cents per hundredweight of 96° raw sugar in lieu of:

(6) Unstacking, tallying and loading at warehouse;

(7) Shore risk, marine and war risk insurance;

(8) Rebagging and mending sugar bags whenever and wherever incurred;

(9) Brokerage or commissions and exchange;

(10) Weighing, testing, sampling, mending sugar bags, and taring at destination;

(11) All other expenses not itemized herein.

(c) *Raw sugar in bulk or in bags:*

When any of the necessary services included in items (1) through (5) of (a) and (b) above are furnished by the processor, costs incurred shall include for each of the services rendered:

(1) Direct and immediate supervisory labor;

(2) Maintenance labor and supplies required for the facilities used;

(3) Taxes and insurance assessed or charged to the processor on such labor and a proportionate share of retirement and pension, bonuses and vacation expenses properly allocable to such labor;

(4) Direct supplies;

(5) Depreciation (at rates allowed by the taxing authority), property taxes, and property insurance on the facilities used.

Administrative expenses and interest shall be excluded from the computation of costs. In the event that facilities used in providing the necessary services are also used for other purposes by the processor, only that portion of the maintenance, depreciation, property taxes, and property insurance of such facilities properly apportionable to the necessary service shall be allowed.

The Director of the Area Office, may permit the use of the lowest rate charged by a public utility or carrier for comparable service in lieu of the costs incurred by the processor in furnishing the necessary service in the event that the costs incurred therefor cannot be accurately determined.

In determining the f. o. b. mill price of raw sugar sold or processed in Puerto Rico, equivalent selling and delivery expenses as approved by the Director of the Area Office, may be allowed in lieu of expenses actually incurred.

The following certification shall be made on statements submitted in duplicate not later than August 1, 1960 to the Area Office:

CERTIFICATION

I hereby certify that the deductions set forth herein are properly chargeable as deductions for selling and delivery expenses for sugar in accordance with the determination of fair and reasonable prices for the 1958–59 crop of Puerto Rican sugarcane.

SCHEDULE C

DEFINITION OF ADMISSIBLE DEDUCTIONS FOR SELLING AND DELIVERY EXPENSES FOR MOLASSES

Admissible deductions for selling and delivery expenses in connection with the molasses payment provided in paragraph (c) of the 1958–59 price determination are limited to the sum of the following expenses actually incurred at each mill operated by a processor, net of any receipts which reduce such expenses:

(1) Operation of pumps to deliver molasses from mill tank to shipside or other delivery point;

(2) Freight from mill tank to shipside (or to local buyers when such molasses is sold on a delivered price basis);

(3) Operation of tank barges, tugs, or other marine equipment used in delivering molasses to shipside;

(4) Weighing and testing;

(5) Wharfage;

(6) Shore risk insurance (limited in coverage from mill to shipside);

(7) Freight demurrage resulting from causes beyond the control of the shipper;

(8) Brokerage paid to a bona fide broker.

When any of the necessary services included in items (1) through (8) above are furnished by the processor, costs incurred shall include for each of the services rendered:

(1) Direct and immediate supervisory labor;

(2) Maintenance labor and supplies required for the facilities used;

(3) Taxes and insurance assessed or charged to the processor on such labor and a proportionate share of retirement and pensions, bonuses and vacation expenses properly allocable to such labor;

(4) Fuel, energy or direct supplies;

(5) Depreciation (at rates allowed by the taxing authorities), property taxes and property insurance on the facilities used.

Administrative expenses and interest shall be excluded from the computation of cost. In the event that facilities used in providing

the necessary services are also used for other purposes by the processor, only that portion of the maintenance, depreciation, property taxes, and property insurance of such facilities, properly apportionable to the necessary service, shall be allowed.

The Director of the Area Office, may permit the use of the lowest rate charged by a public utility or carrier for comparable service in lieu of the cost incurred by the processor in furnishing the necessary service in the event that the costs incurred therefor cannot be accurately determined.

The following certification shall be made on statements submitted in duplicate not later than August 1, 1960, to the Area Office:

CERTIFICATION

I hereby certify that the deductions set forth herein are properly chargeable as deductions for selling and delivery expenses for molasses in accordance with the determination of fair and reasonable prices for the 1958–59 crop of Puerto Rican sugarcane.

[F. R. Doc. 58–39; Filed, Jan. 2, 1959; 8:50 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreement and Orders), Department of Agriculture

HANDLING OF MILK IN CERTAIN MARKETING AREAS

Determination of Equivalent Price for Grade A (92-Score) Butter at Chicago

Part 903 St. Louis, Mo.
Part 905 Mississippi Delta.
Part 906 Oklahoma Metropolitain.
Part 907 Milwaukee, Wis.
Part 908 Central Arkansas.
Part 911 Texas Panhandle.
Part 912 Dubuque, Iowa.
Part 913 Greater Kansas City.
Part 916 Upstate Michigan.
Part 917 Black Hills, S. Dak.
Part 918 Memphis, Tenn.
Part 919 Southwest Kansas.
Part 921 Ozarks.
Part 923 Appalachian.
Part 924 Detroit, Mich.
Part 928 Neosho Valley.
Part 929 Eastern South Dakota.
Part 930 Toledo, Ohio.
Part 931 Cedar Rapids-Iowa City.
Part 932 Fort Wayne, Ind.
Part 935 Omaha-Lincoln-Council Bluffs.
Part 941 Chicago, Ill.
Part 942 New Orleans, La.
Part 943 North Texas.
Part 944 Quad Cities.
Part 946 Louisville, Ky.
Part 947 Fall River, Mass.
Part 948 Sioux City, Iowa.
Part 949 San Antonio, Tex.
Part 952 Austin-Waco, Tex.
Part 954 Duluth-Superior.
Part 956 Sioux-Falls-Mitchell, S. Dak.
Part 960 Akron-Stark County, Ohio.
Part 965 Cincinnati, Ohio.
Part 966 Northern Louisiana.
Part 967 South Bend-La Porte-Elkhart, Ind.
Part 968 Wichita, Kans.
Part 971 Dayton-Springfield, Ohio.
Part 972 Tri-State.
Part 974 Columbus, Ohio.
Part 975 Cleveland, Ohio.
Part 976 Fort Smith, Ark.
Part 977 Paducah, Ky.
Part 978 Nashville, Tenn.
Part 980 Western Colorado.
Part 982 Central West Texas.
Part 985 Muskegon, Mich.
Part 986 Red River Valley.
Part 987 Central Mississippi.
Part 988 Knoxville, Tenn.
Part 991 Rockford-Freeport, Ill.
Part 995 North Central Ohio.
Part 998 Corpus Christi, Tex.
Part 1000 Chattanooga, Tenn.
Part 1002 Wheeling, W. Va.
Part 1004 Central Arizona.
Part 1005 North Central Iowa.
Part 1009 Clarksburg, W. Va.
Part 1011 Michigan Upper Peninsula.
Part 1012 Bluefield.
Part 1013 Platte Valley.
Part 1014 Mississippi Gulf Coast.
Part 1016 Northeastern Wisconsin.
Part 1018 Southeastern Florida.
Part 1023 Des Moines, Iowa.

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and to the applicable provisions of the orders, as amended, regulating the handling of milk in the aforesaid milk marketing areas (7 CFR Part 900), hereinafter referred to as the "orders" it is hereby found and determined as follows:

(1) Inasmuch as the Grade A (92-score) butter quotations for the Chicago market, employed in the orders as factors in the formula for computing the class prices and butterfat differentials, are not available for a sufficient number of days during the period from November 16 through December 31, 1958, to be representative of such prices for the month of December 1958 or for any continuous 30-day period between November 16 and December 31, 1958, it is hereby determined that the equivalent price for Grade A (92-score) butter at Chicago under the orders for December 1958 or for any continuous 30-day period between November 16 and December 31, 1958, shall be the simple average, as computed by the Dairy Division, of the daily wholesale selling prices per pound of Grade B (90-score) bulk creamery butter at Chicago, as reported by the United States Department of Agriculture, plus 0.25 cents.

(2) Notice of proposed rule making, public procedure thereon, and 30 days prior notice to the effective date hereof are impracticable unnecessary and contrary to the public interest, in that (a) prices for Grade A (92-score) butter on the Chicago market have not been reported by the Dairy and Poultry Market News Service, Agricultural Marketing Service, United States Department of Agriculture, on a sufficient number of days during the period from November 16 through December 31, 1958, to be representative of such prices for the month of December 1958 or for any continuous 30-day period between November 16 and December 31, 1958; (b) the determination of an equivalent price immediately is necessary to make possible the announcement of the minimum class prices and butterfat differentials under the orders in valuing producer milk received by handlers during the months of December 1958 and January 1959; (c) an essential purpose of this determination is to give all interested persons notice that the averages of Grade A (92-score) butter prices reported by the Dairy and Poultry Market News Service for December 1958 or for any continuous 30-day period between November 16 and December 31, 1958, are not being used for the purposes of the price computations required in connection with the computation of class prices and butterfat differentials under the aforesaid orders; and (d) this determination does not require substantial or extensive preparation of any person.

Issued at Washington, D. C., this 30th day of December 1958.

[SEAL] CLARENCE L. MILLER,
Assistant Secretary.

[F. R. Doc. 59–50; Filed, Jan. 2, 1959; 8:45 a. m.]

[Navel Orange Reg. 148, Amdt. 1]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Correction

In F. R. Doc. 58–10500, appearing at page 9832 of the issue for Saturday, December 20, 1958, the figure appearing in § 914.448 (b) (1) (i) should read "669,900 cartons."

[Navel Orange Reg. 150 (Corrected)]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 914.450 Navel Orange Regulation 150.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established by the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee

held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 23, 1958.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., December 28, 1958, and ending at 12:01 a. m., P. s. t., January 4, 1959, are hereby fixed as follows:

(i) District 1: 600,600 cartons;
(ii) District 2: Unlimited movement;
(iii) District 3: Unlimited movement;
(iv) District 4: Unlimited movement.

(2) All Navel oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 853, as amended; 7 U. S. C. 608c)

Dated: December 29, 1958.

[SEAL] S. R. SMITH,
Director Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 59-2; Filed, Jan. 2, 1959; 8:45 a. m.]

[Navel Orange Reg. 151]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 914.451 Navel Orange Regulation 151.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 30, 1958.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., January 4, 1959, and ending at 12:01 a. m., P. s. t., January 11, 1959, are hereby fixed as follows:

(i) District 1: 693,000 cartons;
(ii) District 2: Unlimited movement;
(iii) District 3: Unlimited movement;
(iv) District 4: Unlimited movement.

(2) All Navel oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 853, as amended; 7 U. S. C. 608c)

Dated: December 30, 1958.

[SEAL] FLOYD F. HEDLUND,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 59-104; Filed, Jan. 2, 1959; 9:17 a. m.]

[Orange Reg. 353]

PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 933.946 Orange Regulation 353.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, including Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of oranges, including Temple oranges, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on December 30, 1958, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this regulation, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such

provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of oranges, including Temple oranges, and compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the amended United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title; 22 F. R. 6676).

(2) During the period beginning at 12:01 a. m., e. s. t., January 5, 1959, and ending at 12:01 a. m., e. s. t., January 19, 1959, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any oranges, including Temple oranges, grown in the production area, which do not grade at least U. S. No. 1 Bronze;

(ii) Any oranges, except Temple oranges, grown in the production area, which are of a size smaller than 2⅜₁₆ inches in diameter, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title): *Provided,* That in determining the percentage of oranges in any lot which are smaller than 2⅜₁₆ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 2¼₁₆ inches in diameter and smaller; or

(iii) Any Temple oranges, grown in the production area, which are of a size smaller than 2⅜₁₆ inches in diameter, except that a tolerance of 10 percent, by count, of Temple oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: December 31, 1958.

[SEAL] G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 59-74; Filed, Jan. 2, 1959; 8:53 a. m.]

[Grapefruit Reg. 300]

PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 933.947 Grapefruit Regulation 300.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on December 30, 1958, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this regulation, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Grapefruit (§§ 51.750 to 51.790 of this title); and the term "mature" shall have the same meaning as set forth in section 601.16 Florida Statutes, Chapters 26492 and 28090, known as the Florida Citrus Code of 1949, as supplemented by section 601.17 (Chapters 25149 and 28090) and also by section 601.18, as amended June 2, 1955 (Chapter 29760).

(2) During the period beginning at 12:01 a. m., e. s. t., January 5, 1959, and ending at 12:01 a. m., e. s. t., January 19, 1959, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any grapefruit, grown in the production area, which are not mature and do not grade at least U. S. No. 1 Bronze;

(ii) Any seeded grapefruit, grown in the production area, which are of a size smaller than 3¹⁵⁄₁₆ inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title); or

(iii) Any seedless grapefruit, grown in the production area, which are smaller than 3⁹⁄₁₆ inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in said United States Standards for Florida Grapefruit.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: December 31, 1958.

[SEAL] G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 59-73; Filed, Jan. 2, 1959; 8:53 a. m.]

[Tangerine Reg. 206]

PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 933.948 Tangerine Regulation 206.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and

Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) Is is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time, and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of tangerines, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on December 30, 1958, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this regulation, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines, and compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, and standard pack, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Tangerines (§§ 51.1810 to 51.1836 of this title).

(2) During the period beginning at 12:01 a. m., e. s. t., January 5, 1959, and ending at 12:01 a. m., e. s. t., January 19, 1959, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any tangerines, grown in the production area, that do not grade at least U. S. No. 1; or

(ii) Any tangerines, grown in the production area, that are of a size smaller than $2\frac{5}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of tangerines smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions of the application of tolerances specified in the United States Standards for Florida Tangerines (§§ 51.1810 to 51.1836 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: December 31, 1958.

[SEAL] G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 59-75; Filed, Jan. 2, 1959; 8:53 a. m.]

[Tangelo Reg. 12]

PART 933—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

§ 933.949 Tangelo Regulation 12.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangelos, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of tangelos, grown in the production area, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on December 30, 1958, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this regulation, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangelos; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangelos and compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, diameter, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the amended United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title; 22 F. R. 6676).

(2) During the period beginning at 12:01 a. m., e. s. t., January 5, 1959, and ending at 12:01 a. m., e. s. t., January 19, 1959, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

(i) Any tangelos, grown in the production area, which do not grade at least U. S. No. 1 Bronze; or

(ii) Any tangelos, grown in the production area, which are of a size smaller than $2\frac{4}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of tangelos smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: December 31, 1958.

[SEAL] G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 59-76; Filed, Jan. 2, 1959; 8:53 a. m.]

[Lemon Reg. 772]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 953.879 Lemon Regulation 772.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 23 F. R. 9053), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this regulation is based become available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on December 30, 1958.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a. m. P. s. t., January 4, 1959, and ending at 12:01 a. m., P. s. t., January 11, 1959, are hereby fixed as follows:

(i) District 1: 41,850 cartons;

(ii) District 2: 148,800 cartons;

(iii) District 3: 13,950 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: December 31, 1958.

[SEAL] G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 59-103; Filed, Jan. 2, 1959; 9:17 a. m.]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. FSLIC-580]

PART 563—OPERATIONS

Mergers, Consolidations, or Purchases of Bulk Assets and Premiums in Such Cases

Resolved that, pursuant to Part 508 of the general regulations of the Federal Home Loan Bank Board (12 CFR Part 508) and § 567.1 of the rules and regulations for insurance of accounts (12 CFR 567.1), it is hereby proposed that Part 563 of the rules and regulations for insurance of accounts (12 CFR Part 563) be amended by amendments the substance of which is as follows:

1. Amend section 563.16 (12 CFR 563.16) to read as follows:

§ 563.16 Premiums in mergers, consolidations, or purchases of bulk assets.

In the event of the purchase of bulk assets by an insured institution or of the absorption by an insured institution of another institution through merger or consolidation and the issuance of accounts of an insurable type in connection therewith, such insured institution will be billed for an additional premium based upon the aggregate of the increase of its accounts of an insurable type issued in connection with such transaction. Such premium shall be computed at the rate prescribed by law and shall be that proportion of the amount so computed which the unexpired portion of such insured institution's insurance year bears to its entire insurance year: *Provided, however,* That if the institution which is absorbed by such insured institution by such merger, consolidation, or purchase of bulk assets is an insured institution, the insured institution which has so absorbed such other insured institution shall receive a credit upon its future premiums of the unearned portion of any premium of such absorbed institution to the extent that the same has been paid, and the unearned portion of any premium of such absorbed institution shall, to the extent that the same has not been paid, be canceled.

2. Amend § 563.22 (12 CFR 563.22) to read as follows:

§ 563.22 Merger, consolidation, or purchase of bulk assets.

No insured institution may at any time increase its accounts of an insurable type as a part of any merger or consolidation with another institution or through the purchase of bulk assets, without application to and approval by the Corporation. Such approval is hereby granted, as of the date on which the receipt of such application is acknowledged in writing by the Corporation, in any case in which such increase is not in excess of twenty-five percent of such accounts. Application for such approval shall be upon forms prescribed by the Corporation and such information shall be furnished therewith as the Corporation may require.

Resolved further that all interested persons are hereby given the opportunity to present written data, views, or arguments as to whether said proposed amendments should be adopted, should be modified and adopted as modified, or should be rejected. All such written data, views, or arguments must be received through the mail or otherwise at the Office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington 25, D. C., not later than the close of business on February 3, 1959, to be entitled to be considered, but any received later may be considered in the discretion of the Federal Home Loan Bank Board.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U. S. C. 1725, 1726. Reorg. Plan No. 3 of 1947, 12 F. R. 4981, 3 CFR, 1947 Supp.)

Dated: December 30, 1958.

By the Federal Home Loan Bank Board.

HARRY W. CAULSEN,
Secretary.

[F. R. Doc. 59-49; Filed, Jan. 2, 1959; 8:52 a. m.]

Title 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 20-8]

PART 20—PILOT AND INSTRUCTOR CERTIFICATES

Validity and Exchange of Flight Instructor Ratings and Certificates

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 30th day of December 1958.

On August 23, 1956, the Board adopted a revision of Part 20 of the Civil Air Regulations which, among other things, changed the existing flight instructor rating to a flight instructor certificate and provided for the issuance of a limited flight instructor certificate. Section 20.138 of revised Part 20 provided for the exchange of existing flight instructor ratings for the new flight instructor certificates without further showing of competence, and for the continued exercise of the privileges of the existing flight instructor ratings, until July 1, 1958. Thereafter, holders of expired flight instructor ratings would be required to

demonstrate continued competence to give flight instruction in order to secure the new flight instructor certificates.

This exchange provision had been the subject of a notice of proposed rule making circulated to the aviation industry in 1955, and was again called to the attention of interested persons on August 23, 1956. In view of this notice, and the two year's time in which to accomplish the exchange, the Board considered that ample time was allowed for compliance with the exchange provision.

Despite the wide circulation given this regulation, it appears that many persons have failed to exchange their ratings for the new certificates by reason of an actual lack of knowledge of the exchange provision, or because of misunderstanding or misinformation on the procedures to be used in securing the new certificates. Several such persons have appealed to the Board, requesting an extension of time in which to accomplish the exchange.

In considering these requests, the Board notes that the exchange provision was primarily for administrative purposes, since a new certificate form had been devised which replaced the previously existing rating endorsed upon the pilot certificate. The skill and knowledge requirements have not been changed. Safety, therefore, will not be adversely affected if the exchange privilege is extended for a period of 90 days in order to allow those persons affected sufficient time in which to accomplish the exchange.

In view of the foregoing, the Board is extending the termination date for the exchange of flight instructor ratings for flight instructor certificates without further showing of competence until April 1, 1959.

Since this amendment extends the date for compliance and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and the amendment may be made effective immediately.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 20 of the Civil Air Regulations (14 CFR Part 20, as amended) effective December 30, 1958.

By amending § 20.138 by deleting the date "July 1, 1958" wherever it appears, and inserting in lieu thereof the date "April 1, 1959".

(Sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425 (a). Interpret or apply Secs. 601, 602, 52 Stat. 1007, 1008; 49 U. S. C. 551, 552)

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART, *Acting Secretary.*

[F. R. Doc. 59-55; Filed, Jan. 2, 1959; 8:53 a. m.]

[Civil Air Regs., Amdt. 29-1]

PART 29—PHYSICAL STANDARDS FOR AIRMEN; MEDICAL CERTIFICATES

Inclusion of Electrocardiogram Requirement in Physical Examination for First Class Medical Certificates

Adopted by the Civil Aeronautics Board at its office in Washington, D. C. on the 30th day of December 1958.

Part 29 of the Civil Air Regulations prescribes the physical standards an airman must meet for the particular class of airman certificate sought. Present provisions with respect to the heart require that the applicant for a first class medical certificate shall have no organic or functional disease or structural defect or limitation which would be likely to render him unable to safely perform the duties or exercise the privileges of the grade of airman certificate sought or held.

In recent years there have been several instances where pilots have died in the cockpit in flight or just before takeoff as the result of a heart attack. Three such instances occurred among airline pilots in 1957. It is anticipated that this situation will become more frequent as the mean age of the pilot population increases. In cognizance of this situation, a proposal to include a requirement for an electrocardiographic examination of the heart in the physical examination for first class medical certificates was circulated for comment in Civil Air Regulations Draft Release No. 58-17, dated September 5, 1958.

The reason for requiring the use of the electrocardiogram is that cases of healed myocardial infarction cannot be otherwise recognized if the applicant for a medical certificate, by reason of an actual lack of knowledge or otherwise, does not reveal the history of an acute attack.

The usual underlying cause of myocardial infarction is a generalized degenerative process of arteriosclerosis or atherosclerosis which is rarely, if ever, limited to a single location. Some such process must exist in a person who has had an infarct, therefore, further attacks are probable. Reports comprising long-term follow-up of patients who have survived an infarct show that following the initial attack, the annual mortality rate is from 3 to 15 times greater than that of the general population of the same age, and there is no way of predicting when such individuals will suffer a recurrent attack. The increased mortality rate among these persons is largely due to recurrent myocardial infarction.

It was proposed to limit the use of the electrocardiogram on a mandatory basis to first class medical certificates inasmuch as the first class medical certificate is required of those persons applying for or exercising the privileges of an airline transport rating. The airline transport rating is required only of those persons serving as pilot in command in scheduled air transportation. It is considered that the highest professional and physical standards should apply to scheduled airline transportation since it is in this area that the greatest responsibility to the public exists.

As a matter of practice all electrocardiographic tracings will be forwarded to the CAA Medical Division in Washington, D. C., for analysis at no cost to the applicant, and will not be interpreted at the local level at the time of examination. Within the meaning of the regulation, an electrocardiogram shall be used only to determine whether myocardial infarction exists. In disputed cases, the CAA Medical Division will designate a location at which it will provide a complete clinical examination service at no cost to the applicant.

The consensus of comment received in response to Draft Release 58-17 approved the amendment as a "laudatory first step toward effecting needed improvements in the physical standards for flying." One comment contended that the presence of more than one pilot in the cockpit negates the need for an electrocardiogram requirement. The Board, however, does not consider that the number of pilots in the cockpit is a factor in determining the physical standards an airman must meet if he is to serve as pilot in command in scheduled air transportation. The stated purpose of the electrocardiogram requirement is to eliminate a potential hazard by identifying otherwise undetected cases of myocardial infarction. None of the comments reflected an opinion that persons who have suffered infarction should continue to act as a pilot in command in scheduled air transportation, or that the electrocardiogram would fail to disclose this condition.

Contained in the comments, however, were two specific requests for correlated modifications which have merit. The first concerns the question of the acceptance of an electrocardiogram accomplished in the course of a company-required physical examination in satisfying the requirements of the proposed amendment.

An electrocardiogram accomplished according to acceptable standards and techniques, and accomplished within the 90 days immediately preceding the physical examination for a first-class medical certificate, will be accepted at the time of the physical examination in meeting the requirements of this amendment.

The second question concerns the class of medical certificate required by a person who holds an airline transport rating, but who is not engaged in scheduled air transportation flying activities. Such persons have contended in the past that they are engaged in flight operations which require only a commercial pilot certificate and that the requirement for a first class medical certificate imposes an undue burden upon them on subsequent examinations. In commenting on Draft Release 58-17, they contend that the electrocardiogram requirement further increases this burden upon them. Recognition has been given in the Civil Air Regulations to the fact that a pilot may engage in flight operations of a lesser nature than authorized in his pilot certificate, and accordingly, the duration of the validity of a medical certificate has been established to be consistent with the flight privilege in which the pilot is engaged.

However, in view of the question raised in this respect by the electrocardiogram requirement, the Board is amending § 43.41 of Part 43 to more clearly relate the class of medical certificate required to the flight privilege in which the pilot is engaged rather than solely to the class of pilot certificate held. In effect, the amendment to Part 43 will permit a pilot to secure, except when originally qualifying for a particular class of pilot cer-

tificate, a medical certificate of a class appropriate to the flight privileges he is exercising. This amendment is being adopted concurrently with the amendment to Part 29 contained herein.

The Administrator has requested that he be given as much time as possible in which to prepare Civil Aeronautics Manual material, and to distribute guidance material to the Civil Aeronautics Administration Designated Medical Examiners. This amendment, therefore, will become effective in six months in order to allow sufficient time for the Administrator to prepare for its implementation.

Interested persons have been afforded an opportunity to participate in the making of this amendment (23 F. R. 7087), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 29 of the Civil Air Regulations (14 CFR Part 29, as amended) effective July 1, 1959.

By amending § 29.2 by adding a new paragraph (e) to read as follows:

§ 29.2 First class. * * *

(e) *Heart.* (1) Applicants between 35 years of age and 40 years of age, on the first examination following age 35, shall demonstrate by electrocardiographic examination an absence of myocardial infarction.

(2) Applicants 40 years of age or over shall demonstrate annually by electrocardiographic examination an absense of myocardial infarction.

NOTE: An electrocardiogram accomplished according to acceptable standards and techniques, and accomplished within the 90 days immediately preceding the physical examination for a first class medical certificate, will be accepted at the time of the physical examination as meeting this requirement.

(Sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425 (a). Interpret or apply secs. 601, 602, 608, 609, 610, 52 Stat. 1007, 1008, 1011, 1012, as amended; 49 U. S. C. 551, 552, 558, 559, 560)

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART, *Acting Secretary.*

[F. R. Doc. 59-56; Filed, Jan. 2, 1959; 8:53 a. m.]

[Civil Air Regs., Amdt. 40-15]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

Use of Average, Assumed, and Estimated Weights

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 30th day of December 1958.

Air carriers have for many years utilized approved weight and balance control procedures involving average, assumed, and estimated weights in determining compliance with the various weight limitations of this part. Such procedures have been formally endorsed by the Civil Aeronautics Administration and the Board since December 8, 1947, the date of issuance of Safety Regulation Release No. 270. Subsequently, these procedures and the methods by which they may be carried out have been continued in Civil Aeronautics Manual 40. These procedures and the recommended methods of implementation described in Civil Aeronautics Manual 40 are a practical approach to compliance with the regulations pertaining to operating limitations without adversely affecting the safety of air carrier operations. This approach recognizes that it is not possible to require literal compliance with the weight and balance requirements of Part 40 of the Civil Air Regulations through a determination of actual weights in every instance, considering the extent of present-day air carrier operations, without drastically curtailing such operations.

To obviate the actual weighing of the airplane and its contents prior to each flight, certain approved methods and procedures have become an essential part of day-to-day air carrier operations and insure reasonable compliance with the appropriate operating limitations. For a fleet or group of airplanes of the same model and configuration, an average operating fleet weight is utilized when the operating weights and positions of the center of gravity are within the limitations established by the Administrator in Civil Aeronautics Manual 40. For example, an operator of a fleet of more than 9 airplanes of the same model and configuration must weigh periodically at least 6 of these airplanes, plus at least 10 percent of the number over 9. Furthermore, to insure that a safe average weight will be maintained, certain safeguards are incorporated in the approved weight procedures. If the basic operating weight of any airplane weighed or the calculated basic operating weight of any one of the remaining airplanes in the fleet varies by an amount more than plus or minus one-half of one percent of the maximum landing weight from the established basic operating fleet weight, that airplane will be eliminated from the group and operated on its actual or calculated weight. Carriers also may elect to use either the actual passenger weight or the average passenger weight to compute passenger loads over any route except in unusual cases as, for example, a passenger load consisting of an athletic team. The average weights which may be used are set forth in Civil Aeronautics Manual 40. In determining compliance with certain operating limitations such as landing distance limitations, the carrier may assume that the take-off weight of the airplane is reduced by the weight of the fuel and oil expected to be consumed in flight to the field of intended destination and the weight of such fluids may be established on the basis of actual weight, a standard volume comparison, or a volume comparison utilizing appropriate temperature correction factors to actually determine the weight by computation of the quantity of fluid on board.

There are many other instances in which average, assumed, or estimated weights are used in the conduct of air carrier operations.

It has recently been brought to the Board's attention that the absence of explicit authority in Part 40 for the use of average, assumed, or estimated weights in accordance with procedures approved by the Administrator has given rise to concern that an air carrier might be considered in technical violation of the Civil Air Regulations if the weight of a particular airplane actually exceeded any of the various weight limitations of this part, even though the calculations had been made in accordance with approved procedures.

In order to remove any doubt as to the legality of using such approved procedures and to bring the regulations into accord with a well-established and safe administrative practice, Part 40 is being amended to provide specific authority for the use of an approved weight and balance control system in which average, assumed, or estimated weights may be utilized if such system gives assurance of results substantially equalling direct weighing.

Since this amendment merely confirms an established administrative practice essential to the maintenance of safe, optimum air carrier operations and imposes no additional burden on any person, the Board finds that notice and public procedure hereon are unnecessary and that good cause exists for making this amendment effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 40 of the Civil Air Regulations (14 CFR Part 40, as amended) effective December 30, 1958.

By amending § 40.60 by adding at the end thereof a new sentence to read as follows: "In determining compliance with the applicable airworthiness requirements and operating limitations, an approved weight and balance control system based upon average, assumed, or estimated weights may be utilized."

(Sec. 205 (a), 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 606, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 554, 555)

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART, *Acting Secretary.*

[F. R. Doc. 59-57; Filed, Jan. 2, 1959; 8:53 a. m.]

[Civil Air Regs., Amdt. 41-21]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

Use of Average, Assumed, and Estimated Weights

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 30th day of December 1958.

Air carriers have for many years utilized approved weight and balance control procedures involving average, assumed, and estimated weights in determining compliance with the various

weight limitations of this part. Such procedures have been formally endorsed by the Civil Aeronautics Administration and the Board since December 8, 1947, the date of issuance of Safety Regulation Release No. 270. Subsequently, these procedures and the methods by which they may be carried out have been continued in Civil Aeronautics Manual 41. These procedures and the recommended methods of implementation described in Civil Aeronautics Manual 41 are a practical approach to compliance with the regulations pertaining to operating limitations without adversely affecting the safety of air carrier operations. This approach recognizes that it is not possible to require literal compliance with the weight and balance requirements of Part 41 of the Civil Air Regulations through a determination of actual weights in every instance, considering the extent of present-day air carrier operations, without drastically curtailing such operations.

To obviate the actual weighing of the airplane and its contents prior to each flight, certain approved methods and procedures have become an essential part of day-to-day air carrier operations and insure reasonable compliance with the appropriate operating limitations. For a fleet or group of airplanes of the same model and configuration, an average operating fleet weight is utilized when the operating weights and positions of the center of gravity are within the limitations established by the Administrator in Civil Aeronautics Manual 41. For example, an operator of a fleet of more than 9 airplanes of the same model and configuration must weigh periodically at least 6 of these airplanes, plus at least 10 percent of the number over 9. Furthermore, to insure that a safe average weight will be maintained, certain safeguards are incorporated in the approved weight procedures. If the basic operating weight of any airplane weighed or the calculated basic operating weight of any one of the remaining airplanes in the fleet varies by an amount more than plus or minus one-half of one percent of the maximum landing weight from the established basic operating fleet weight, that airplane will be eliminated from the group and operated on its actual or calculated weight. Carriers also may elect to use either the actual passenger weight or the average passenger weight to compute passenger loads over any route except in unusual cases as, for example, a passenger load consisting of an athletic team. The average weights which may be used are set forth in Civil Aeronautics Manual 41. In determining compliance with certain operating limitations such as landing distance limitations, the carrier may assume that the take-off weight of the airplane is reduced by the weight of the fuel and oil expected to be consumed in flight to the field of intended destination and the weight of such fluids may be established on the basis of actual weight, a standard volume comparison, or a volume comparison utilizing appropriate temperature correction factors to actually determine the weight by computation of the quantity of fluid on board.

There are many other instances in which average, assumed, or estimated weights are used in the conduct of air carrier operations.

It has recently been brought to the Board's attention that the absence of explicit authority in Part 41 for the use of average, assumed, or estimated weights in accordance with procedures approved by the Administrator has given rise to concern that an air carrier might be considered in technical violation of the Civil Air Regulations if the weight of a particular airplane actually exceeded any of the various weight limitations of this part, even though the calculations had been made in accordance with approved procedures.

In order to remove any doubt as to the legality of using such approved procedures and to bring the regulations into accord with a well-established and safe administrative practice, Part 41 is being amended to provide specific authority for the use of an approved weight and balance control system in which average, assumed, or estimated weights may be utilized if such system gives assurance of results substantially equalling direct weighing.

Since this amendment merely confirms an established administrative practice essential to the maintenance of safe, optimum air carrier operations and imposes no additional burden on any person, the Board finds that notice and public procedure hereon are unnecessary and that good cause exists for making this amendment effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 41 of the Civil Air Regulations (14 CFR Part 41, as amended) effective December 30, 1958.

By amending § 41.20 by adding a new paragraph (f) to read as follows:

§ 41.20 General. * * *

(f) In determining compliance with the applicable airworthiness requirements and operating limitations, a weight and balance control system approved by the Administrator based upon average, assumed, or estimated weights may be utilized.

(Sec. 205 (a), 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 605, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 554, 555)

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

[F. R. Doc. 59-58; Filed, Jan. 2, 1959; 8:53 a. m.]

[Civil Air Regs., Amdt. 42-17]

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

Use of Average, Assumed, and Estimated Weights

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 30th day of December 1958.

Air carriers have for many years utilized approved weight and balance control procedures involving average, assumed, and estimated weights in determining compliance with the various weight limitations of this part. Such procedures have been formally endorsed by the Civil Aeronautics Administration and the Board since December 8, 1947, the date of issuance of Safety Regulation Release No. 270. Subsequently, these procedures and the methods by which they may be carried out have been continued in Civil Aeronautics Manual 42. These procedures and the recommended methods of implementation described in Civil Aeronautics Manual 42 are a practical approach to compliance with the regulations pertaining to operating limitations without adversely affecting the safety of air carrier operations. This approach recognizes that it is not possible to require literal compliance with the weight and balance requirements of Part 42 of the Civil Air Regulations through a determination of actual weights in every instance, considering the extent of present-day air carrier operations, without drastically curtailing such operations.

To obviate the actual weighing of the airplane and its contents prior to each flight, certain approved methods and procedures have become an essential part of day-to-day air carrier operations and insure reasonable compliance with the appropriate operating limitations. For a fleet or group of airplanes of the same model and configuration, an average operating fleet weight is utilized when the operating weights and positions of the center of gravity are within the limitations established by the Administrator in Civil Aeronautics Manual 42. For example, an operator of a fleet of more than 9 airplanes of the same model and configuration must weigh periodically at least 6 of these airplanes, plus at least 10 percent of the number over 9. Furthermore, to insure that a safe average weight is maintained, certain safeguards are incorporated in the approved weight procedures. If the basic operating weight of any airplane weighed or the calculated basic operating weight of any one of the remaining airplanes in the fleet varies by an amount more than plus or minus one-half of one percent of the maximum landing weight from the established basic operating fleet weight, that airplane will be eliminated from the group and operated on its actual or calculated weight. Carriers also may elect to use either the actual passenger weight or the average passenger weight to compute passenger loads over any route except in unusual cases as, for example, a passenger load consisting of an athletic team. The average weights which may be used are set forth in Civil Aeronautics Manual 42. In determining compliance with certain operating limitations such as landing distance limitations, the carrier may assume that the take-off weight of the airplane is reduced by the weight of the fuel and oil expected to be consumed in flight to the field of intended destination and the weight of such fluids may be established on the basis of actual weight, a standard volume comparison, or a volume comparison utilizing appropriate temperature correction factors to

actually determine the weight by computation of the quantity of fluid on board.

There are many other instances in which average, assumed, or estimated weights are used in the conduct of air carrier operations.

It has recently been brought to the Board's attention that the absence of explicit authority in Part 42 for the use of average, assumed, or estimated weights in accordance with procedures approved by the Administrator has given rise to concern that an air carrier might be considered in technical violation of the Civil Air Regulations if the weight of a particular airplane actually exceeded any of the various weight limitations of this part, even though the calculations had been made in accordance with approved procedures.

In order to remove any doubt as to the legality of using such approved procedures and to bring the regulations into accord with a well-established and safe administrative practice, Part 42 is being amended to provide specific authority for the use of an approved weight and balance control system in which average, assumed, or estimated weights may be utilized if such system gives assurance of results substantially equalling direct weighing.

Since this amendment merely confirms an established administrative practice essential to the maintenance of safe, optimum air carrier operations and imposes no additional burden on any person, the Board finds that notice and public procedure hereon are unnecessary and that good cause exists for making this amendment effective without prior notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 42 of the Civil Air Regulations (14 CFR Part 42, as amended) effective December 30, 1958.

By amending § 42.14 by adding at the end thereof a new sentence to read as follows: "In determining compliance with the applicable airworthiness requirements and operating limitations, a weight and balance control system approved by the Administrator based upon average, assumed, or estimated weights may be utilized."

(Sec. 205 (a), 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 605, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 554, 555)

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART, *Acting Secretary.*

[F. R. Doc. 59-59; Filed, Jan. 2, 1959; 8:53 a. m.]

[Civil Air Regs. Amdt. 43-10]

PART 43—GENERAL OPERATION RULES

Medical Certificate and Renewal

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 30th day of December 1958.

Section 43.41 of Part 43 of the Civil Air Regulations provides that no person shall pilot an aircraft under the authority of a pilot certificate issued by the Administrator, unless he has in his personal possession at all times while piloting an aircraft a medical certificate or other evidence satisfactory to the Administrator showing that he has met the physical requirements appropriate to his rating within the following time limits:

(a) Student or private pilot—24 calendar months.

(b) Commercial pilot—12 calendar months, or 24 calendar months for operations requiring only a private pilot certificate.

(c) Airline transport pilot—6 calendar months, or 12 calendar months for operations requiring only a commercial pilot certificate, or 24 calendar months for operations requiring only a private pilot certificate.

In commenting on Civil Air Regulations Draft Release No. 58-17 which proposed an amendment to Part 29 of the Civil Air Regulations to provide for the inclusion of an electrocardiogram in the physical examination for first class medical certificates, several persons who hold airline transport ratings called attention to the fact that they are not engaged in airline flight activities, but are engaged in operations requiring only a commercial pilot certificate. They are, nevertheless, required to pass a first class medical examination on each subsequent physical examination or, conversely, voluntarily surrender their pilot certificate for one of a lesser grade if they wish to secure a valid medical certificate of a lesser class. Such persons contend that it is unrealistic and unreasonable to require a class of medical certificate of a higher grade than necessary for the flight privilege in which they are engaged, and an undue burden is thus imposed upon them. They also contend that it is equally unreasonable to expect them to voluntarily surrender ratings which have cost them a considerable amount of effort, time, and money to secure, and for which they may have need at some time in the future. The Board considers that there is merit in these contentions.

Recognition has been given to the fact that a pilot may engage in lesser flight activities than those authorized in his pilot certificate in that the duration of the validity of any class medical certificate is directly related to the flight privilege in which a pilot may subsequently engage. It is the Board's view that § 43.41 should be modified to more clearly relate the class of medical certificate required, except when originally qualifying for a particular class of pilot certificate, to the flight privilege in which the pilot is engaged rather than solely to the pilot certificate held.

Since the changes effected by this amendment are less restrictive in nature than the present requirements, and impose no additional burden on any person, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 43 of the Civil Air Regulations (14 CFR Part 43, as amended) effective February 3, 1959.

By amending § 43.41 to read as follows:

§ 43.41 Medical certificate and renewal.

No person shall pilot an aircraft under the authority of a pilot certificate issued by the Administrator unless he has in his personal possession at all times, while piloting aircraft, a medical certificate or other evidence satisfactory to the Administrator showing that he has met the physical requirements appropriate to the flight privilege exercised. Medical certificates shall be valid within the following time limits:

(a) First Class—Six calendar months for those operations requiring an airline transport pilot rating, or 12 calendar months for those operations requiring only a commercial pilot certificate, or 24 calendar months for those operations requiring only a private pilot certificate.

(b) Second Class—12 calendar months for those operations requiring a commercial pilot certificate, or 24 calendar months for those operations requiring only a private pilot certificate.

(c) Third Class—24 calendar months for those operations requiring a private or student pilot certificate.

(Sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425 (a). Interpret or apply secs. 601, 602, 610, 52 Stat. 1007, 1008, 1012; 49 U. S. C. 551, 552)

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART, *Acting Secretary.*

[F. R. Doc. 59-60; Filed, Jan. 2, 1959; 8:53 a. m.]

[Reg. No. SR-428]

PART 43—GENERAL OPERATION RULES

Special Civil Air Regulation; Authorization for Student Pilots in Alaska To Operate on International Flights

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 30th day of December 1958.

Section 43.52 of Part 43 of the Civil Air Regulations currently provides, among other things, that no student pilot shall pilot an aircraft on an international flight.

Increasing flying activity in the northern area of Alaska's southeastern panhandle has led to active student instruction at the Juneau and Gustavus Airports, and the formation of a flying club at the Haines Airport. The topography of the country and the adverse weather conditions which prevail to the south are such that they do not lend themselves to practical cross-country training for student pilots and, in addition, present an unsafe situation.

To the south, the nearest airport which falls within the 100-mile minimum distance required to qualify for a private pilot certificate is Annette Island. Annette Island is 310 miles from Haines Airport along a route which is impracticable for cross-country training because of treacherous winds, sudden weather changes, and terrain which provides virtually no accessibility for a successful forced landing.

To the north, the nearest airport beyond 100 miles from Haines would be

White Horse, located in the Yukon Territory. White Horse is 110 miles from Haines along the route of the White Pass and the Yukon Railroad over terrain which provides accessibility for a successful forced landing. In addition, the weather conditions along this route are more favorable and predictable. Although this route represents the only practical and safe cross-country training for student pilots, it would require their participating in international flights which are prohibited by the present regulations.

Special arrangements have been concluded with Canada to provide similar reciprocal privileges should the need arise to conduct cross-country flights to specific points within United States.

For the reasons stated, and since this regulation places no additional burden on any person, the Board finds that notice and public procedure hereon are unnecessary.

In consideration of the foregoing, the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation, effective February 3, 1959.

Contrary provisions of § 43.52 of Part 43 of the Civil Air Regulations notwithstanding, a student pilot may make international flights for the purpose of solo cross-country training from the Haines, Gustavus, and Juneau Airports, located in that part of Alaska lying east of the one hundred and forty-first meridian of west longitude, to White Horse located in the Yukon Territory, over the province of British Columbia, Canada, and return.

(Sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425 (a). Interpret or apply secs. 601, 602, 52 Stat. 1007, 1008, as amended; 49 U. S. C. 551, 552)

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART, *Acting Secretary.*

[F. R. Doc. 59-51; Filed, Jan. 2, 1959; 8:52 a. m.]

[Reg. No. ER-243]

PART 225—TARIFFS OF CERTAIN CERTIFICATED AIRLINES; TRADE AGREEMENTS

Miscellaneous Amendments

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 30th day of December 1958.

Part 225 of the Board's Economic Regulations, which expires on December 31, 1958, permits the local service carriers, the certificated carriers operating wholly within the Territory of Hawaii, and carriers holding certificates for the performance of all-expense tours or cruises, to exchange air transportation for advertising goods and services.

The Board first promulgated Part 225 of its Economic Regulations in 1955, permitting local service air carriers to enter into trade agreements calling for the exchange of advertising for air transportation during the year 1955, with a maximum limit of $25,000 for each carrier. This part was later amended to include Hawaiian Territorial carriers and all-expense tour or cruise carriers and the maximum per carrier was increased to $100,000. For each year that Part 225 has been in effect, there has been an increase in the number and total value of the agreements filed under the regulation. A current review of the Board's records shows that this situation continues to exist. The number of trade agreements filed during 1958 increased to over 1,200 agreements with a value in excess of $1,000,000 as compared to the 1,100 agreements filed during the previous year. In view of the continuing increase in the use of the regulation, the Board, on its own initiative, is extending the regulation for an additional one-year period.

The amendment herein effectuated will serve to continue the present provisions of Part 225. Inasmuch as this regulation does not impose any burden on any persons the Board finds that notice and public procedure thereon are unnecessary and that it may be made effective without the usual 30-day waiting period from the date of publication.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 225 of the Economic Regulations (14 CFR Part 225), effective January 1, 1959, as follows:

1. By changing the date specified in § 225.2 from "December 17, 1958" to "December 17, 1959."

2. By changing the date specified in paragraph (a) of §§ 225.5 from "January 1, 1959" to "January 1, 1960."

3. By changing the date specified in § 225.13 from "January 1, 1958" to "January 1, 1959."

(Sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 403, 404 and 416, 52 Stat. 992, 993, 1004; 49 U. S. C. 483, 484, 496)

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART, *Acting Secretary.*

[F. R. Doc. 59-54; Filed, Jan. 2, 1959; 8:53 a. m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 2—RULEMAKING PROCEDURES

Subpart A—Wool, Fur, Flammable Fabrics and Textile Identification Rules

AUTHORITY

The change to be effective as of the date of publication in the FEDERAL REGISTER.

Section 2.1 is amended to read as follows:

§ 2.1 Authority.

Substantive rules are authorized under section 6 of the Wool Products Labeling Act of 1939 (15 U. S. C. 68d), section 8 of the Fur Products Labeling Act (15 U. S. C. 69f), section 5 of the Flammable Fabrics Act (15 U. S. C. 1194), and section 7 of the Textile Fiber Products Identification Act (15 U. S. C. 70d). These rules have the force and effect of law.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46)

Issued: December 30, 1958.

By direction of the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 59-14; Filed; Jan. 2, 1959; 8:46 a. m.]

Title 21—FOOD AND DRUGS

Chapter II—Bureau of Narcotics, Department of the Treasury

PART 304—ADJUDICATION AND LICENSING PROCEDURE

Determining Certain Drugs to be Opiates

CROSS REFERENCE: For order proclaiming and making effective the findings of the Secretary of the Treasury with regard to certain drugs having addiction-forming and addiction-sustaining liability similar to morphine, see Proclamation 3266, Title 3, *supra.*

Title 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T. D. 6348]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Allocation or Apportionment of Income to Sources Within or Without the United States

On October 16, 1958, notice of proposed rule making regarding an amendment of § 1.863-1 (b) of the Income Tax Regulations (26 CFR (1954) Part 1), relating to allocation or apportionment of income from production and sale of certain natural resources, effective for taxable years beginning after December 31, 1957, was published in the FEDERAL REGISTER (23 F. R. 7997). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment set forth below is hereby adopted:

Paragraph (b) of § 1.863-1 is amended by inserting "(1)" immediately before the expression "The income derived" and by adding the following new subparagraph (2) at the end thereof:

(2) If the Commissioner determines that the application of the provisions of subparagraph (1) of this paragraph does not result in a proper allocation or apportionment of income, the Commissioner may make such other allocation or apportionment as will, in his opinion, more clearly reflect the proper source of the income to which such subparagraph applies. This subparagraph shall apply with respect to taxable years be-

ginning after December 31, 1957.

(68A Stat. 917; 26 U. S. C. 7805)

[SEAL] O. GORDON DELK,
Acting Commissioner of Internal Revenue.

Approved: December 31, 1958.

FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 59-10810; Filed, Dec. 31, 1958; 3:28 p. m.]

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

[T. D. 6347]

PART 148—CERTAIN EXCISE TAX MATTERS UNDER THE EXCISE TAX TECHNICAL CHANGES ACT OF 1958

Temporary Rules Relating To Collection by Proprietors of the Cabaret Tax From Concessionaires

The following rules, prescribed under the Excise Tax Technical Changes Act of 1958 (Public Law 85-859, approved September 2, 1958), relate to the collection by proprietors of the cabaret tax from concessionaires under chapter 33 of the Internal Revenue Code of 1954, as amended.

The rules set forth herein are to remain in force and effect until superseded by regulations relating to the subject matters referred to herein conforming with the amendment affecting such matters made by the Excise Tax Technical Changes Act of 1958.

These rules are designed to inform interested taxpayers as to how, when, and where to perform certain acts required or permitted under section 4231 (6) of the Internal Revenue Code of 1954, as amended by section 131 (c) of the Excise Tax Technical Changes Act of 1958.

In order to prescribe temporary rules relating to the subject matters referred to above, the following regulations are hereby issued:

§ 148.1-6 Reporting and payment of cabaret tax on amounts received by concessionaires.

(a) *In general*—(1) *Scope of regulations.* The regulations in this section relate to the reporting and payment of the tax imposed by section 4231 (6) of the Internal Revenue Code of 1954 on any amount paid on or after January 1, 1959, to any concessionaire for admission, refreshment, service, or merchandise, at any roof garden, cabaret, or other similar place furnishing a public performance for profit, by or for any patron or guest who is entitled to be present during any portion of such performance. Section 4231 (6) of the Code, as amended by the Excise Tax Technical Changes Act of 1958, provides in part that if the person receiving, on or after such date, payments subject to the cabaret tax is a concessionaire, the tax "shall be paid by such concessionaire and collected from him by the proprietor of the roof garden, cabaret, or other similar place."

(2) *Application of regulations.* The regulations in this section supplement and modify provisions of existing regulations relating to the reporting and payment of the tax imposed by section 4231 (6) of the Code, and have application to the tax imposed by such section in respect of any amount paid to a concessionaire on or after January 1, 1959.

(3) *Cross references.* (i) For definition of the term "roof garden, cabaret, or other similar place", see section 4232 (b) of the Code as amended by the Excise Tax Technical Changes Act of 1958.

(ii) For regulations relating to the basis, rate, computation, and scope of the tax imposed by section 4231 (6) of the Code, see §§ 101.13 and 101.14 of Regulations 43, as amended (26 CFR (1939) Part 101), as prescribed under and made applicable to part I of subchapter A of chapter 33 of the Internal Revenue Code of 1954 by Treasury Decision 6091, 19 F. R. 5167, August 17, 1954.

(iii) For regulations relating to returns and payment of the tax imposed by section 4231 (6) of the Code which are modified by the regulations in this section, see Part 477 (26 CFR (1939), 1956 Supp.), as prescribed under and made applicable to the Internal Revenue Code of 1954 by Treasury Decision 6091.

(b) *Duties of concessionaire*—(1) *Payment of tax to proprietor.* Every person who, as a concessionaire in a particular roof garden, cabaret, or other similar place, receives payments on or after January 1, 1959, with respect to which he incurs liability for the tax imposed by section 4231 (6) of the Code, shall pay the amount of such tax to the proprietor of such roof garden, cabaret, or other similar place. The amount of such tax for any calendar month shall be paid to such proprietor on or before the day of the next following month which immediately precedes the last five days of such month (for example, the 25th day of a 30-day month, and the 26th day of a 31-day month). However, if such person ceases to be a concessionaire in relation to such proprietor, such person shall immediately pay to such proprietor any amount of such tax which he has not previously paid to the proprietor. A concessionaire shall on each day on which a payment of tax is made to a proprietor furnish to the proprietor a signed statement setting forth the period during which the concessionaire incurred liability for the tax so paid to the proprietor.

(2) *Records of concessionaire.* The concessionaire shall keep the records required by § 101.32 (b) of Regulations 43 (26 CFR (1939) Part 101). The concessionaire also shall keep as part of his records a copy of each written statement furnished to the proprietor pursuant to subparagraph (1) of this paragraph and the receipts furnished by the proprietor pursuant to paragraph (c) (1) of this section.

(c) *Duties of proprietor*—(1) *Collection of tax from concessionaire.* The proprietor shall collect from each concessionaire, within the time prescribed in paragraph (b) (1) of this section for payment of tax by the concessionaire to the proprietor, the amount of the tax which is payable by the concessionaire to the proprietor pursuant to section 4231 (6) and this section. Any amount of tax so collected by the proprietor is a special fund in trust for the United States. See section 7501 of the Code. On each day during which the proprietor receives any such amount from a concessionaire, the proprietor shall furnish to the concessionaire a signed receipt, showing the amount of tax received by him from the concessionaire and the date it was received.

(2) *Monthly deposits of tax.* In determining whether or not the proprietor of a roof garden, cabaret, or other similar place is required to deposit excise taxes for any month, pursuant to § 477.4 of the regulations relating to return and payment of certain excise taxes (26 CFR (1939) Part 477), and in depositing tax for any such month, the proprietor shall include any amount of tax collected from a concessionaire on or before the day which immediately precedes the last five days of the following month, exclusive of any amount previously deposited or included in a return filed by him for a prior tax-return period.

(3) *Failure to collect tax from concessionaire.* In the event that a concessionaire refuses to pay to the proprietor the amount required to be paid, or if for any other reason the tax is not collected by the proprietor from the concessionaire, the proprietor shall furnish to the district director with whom he files returns a written statement, signed and dated by the proprietor, reporting:

(i) The name and address of such concessionaire,

(ii) The amount of tax which should have been collected by the proprietor from the concessionaire, if such amount is known,

(iii) The amount, if any, actually collected by the proprietor from the concessionaire,

(iv) The period, if known, for which the concessionaire incurred liability for tax which was not collected, and

(v) Any other available information concerning such refusal or failure.

(4) *Records of proprietor.* In addition to any other records required to be kept by a proprietor of a roof garden, cabaret, or other similar place (see § 101.32 (b) of Regulations 43 (26 CFR (1939) Part 101)), the proprietor shall keep as a part of his records:

(i) The name and address of each person who, as a concessionaire in such place, incurred liability for the tax imposed by section 4231 (6) of the Code,

(ii) A copy of each receipt furnished to a concessionaire pursuant to paragraph (c) (1) of this section,

(iii) A copy of each statement furnished by a concessionaire pursuant to paragraph (b) (1) of this section, and

(iv) A copy of each statement furnished to the district director pursuant to paragraph (c) (3) of this section.

(5) *Returns of proprietor.* (i) Tax collected by a proprietor from a concessionaire pursuant to section 4231 (6) and this section shall be reported by the proprietor, as tax imposed by such section 4231 (6), on the form prescribed for use as a return of such tax.

(ii) A proprietor required to file returns on a quarterly basis shall include in any such return the total amount of tax collected by him from a concessionaire on or before the day immediately preceding the last five days of the month following the calendar quarter for which the return is filed, exclusive of any tax so collected which has been included in a return filed by him for a prior tax-return period.

(iii) A proprietor required to file returns on a monthly basis shall include in any such return the total amount of tax collected by him from a concessionaire during the period covered by such return.

(iv) Whenever any amount of tax collected by a proprietor from a concessionaire is reported on a return there shall be attached to such return, as a part thereof, a statement showing the name and address of each concessionaire from whom any such tax was collected, and the amount of such tax collected from each such concessionaire.

(d) *Overpayment of tax.* If more than the correct amount of tax for which a concessionaire incurs liability under section 4231 (6) of the Code is collected by the proprietor and paid to the district director, the concessionaire may file a claim on Form 843 for refund of the amount overpaid. For regulations relating to claims for refund, see § 301.-6402-2 of this chapter. No refund shall be allowed unless the concessionaire establishes that he has satisfied the conditions stated in section 6416 (a) of the Code applicable to such refund.

Because the provisions of law under which these temporary rules are prescribed become effective on January 1, 1959, and because it is essential that rules implementing this provision of law be in effect on such date, it is found impracticable to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of that Act.

(68A Stat. 917; 26 U. S. C. 7805)

[SEAL] O. GORDON DELK,
Acting Commissioner of Internal Revenue.

Approved: December 30, 1958.

FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 58-10803; Filed, Dec. 30, 1958; 12:30 p. m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 4—INFORMATION ON POSTAL MATTERS

PART 35—PHILATELY

General Postal Publications; New Stamp Issue

1. In § 4.2 *General postal publications,* make the following changes:

a. In paragraph (b) strike out "($2.25 a copy)" and insert in lieu thereof "($2.50 a copy)".

b. In paragraph (h), as amended by Federal Register Document 58-605 (23 F. R. 534), strike out "($1.85)" and insert in lieu thereof "($2.25)".

NOTE: The corresponding Postal Manual section is 114.2.

(R. S. 161, as amended, 396, as amended; 5 U. S. C. 22, 369)

2. In § 35.2 *New stamp issue,* amend subparagraph (1) of paragraph (c) to read as follows:

(1) First-day covers are envelopes bearing a new stamp canceled on its first day of sale with a special die reading "First-Day of Issue," and a pictorial cancellation adding an interpretation of the meaning of the stamp, as illustrated below.[1] If you want first-day cancellations of a new stamp, send addressed envelopes to the postmaster in the city where the new stamp is to be placed on sale, with remittance to cover the cost of stamps (see § 35.1 (d)).

NOTE: The corresponding Postal Manual section is 145.2.

(R. S. 161, as amended, 396, as amended; 5 U. S. C. 22, 369)

[SEAL] HERBERT B. WARBURTON,
General Counsel.

[F. R. Doc. 59-30; Filed, Jan. 2, 1959; 8:48 a. m.]

PART 112—PARCEL POST

Increase in Surface Parcel Post Rate to Belgian Congo

Notice of proposed increases in the surface parcel post rate to the Belgian Congo was published in the November 22, 1958 issue of the FEDERAL REGISTER at page 9095. The increase of two cents per pound is necessary to cover the transient charges which would be involved for parcels routed via the Union of South Africa and Rhodesia to the Belgian Congo.

No comments have been received by the Department with respect to the proposed changes.

Accordingly, the amendment of § 112.1 of Title 39, Code of Federal Regulations, as contained in Federal Register Document 58-9715 (23 F. R. 9095) is hereby adopted without change. As adopted, the amendment to § 112.1 shall read as follows:

In § 112.1 *Chart of rates and mailing conditions,* under "Surface Parcel Post rates" strike out ".56" in the column "First pound" where it appears opposite "Belgian Congo", and insert in lieu thereof ".58"; and strike out ".27" in the column "Each additional pound" where it appears opposite "Belgian Congo", and insert in lieu thereof ".29".

[1] Illustration filed as part of the original document.

(R. S. 161, as amended, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372)

[SEAL] HERBERT B. WARBURTON,
General Counsel.

[F. R. Doc. 59-31; Filed, Jan. 2, 1959; 8:48 a. m.]

Title 30—MINERAL RESOURCES

Chapter III—Office of Minerals Exploration, Department of the Interior

PART 301—REGULATIONS FOR OBTAINING FEDERAL ASSISTANCE IN FINANCING EXPLORATIONS FOR MINERAL RESERVES, EXCLUDING ORGANIC FUELS, IN UNITED STATES, ITS TERRITORIES AND POSSESSIONS

Correction

In Federal Register Document 58-10535, published at page 9918 in the issue for Tuesday, December 23, 1958, the following changes should be made:

1. Paragraphs (g) and (h) were inadvertently omitted from § 301.7. These paragraphs read as follows:

§ 301.7 Criteria. * * *

(g) The unavailability of funds from commercial sources on reasonable grounds.

(h) Whether the applicant would normally undertake the exploration at his sole expense under current conditions or circumstances.

2. Section 301.9 should read as follows:

§ 301.9 Government participation.

The Government will contribute not more than fifty (50) percent of the total allowable costs of the exploration specified by the terms of the contract.

Title 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

SUBCHAPTER C—REGULATIONS AFFECTING SUBSIDIZED VESSELS AND OPERATORS

PART 290—FORMS

Operating-Differential Subsidy Agreement; General Provisions

Section 290.11 *Operating-Differential Subsidy Agreement; Part II, General Provisions* is hereby revised to read as follows:

§ 290.11 Operating-Differential Subsidy Agreement; Part II, General Provisions.

(a) The Federal Maritime Board on July 29, 1957, and August 5, 1957, adopted a revised standard form of Operating-Differential Subsidy Agreement incorporating general provisions, effective as of January 1, 1958, to existing and future Operating-Differential Subsidy Agreements made under authority of Title VI

of the Merchant Marine Act, 1936, as amended (46 U. S. C. 1171).

(b) Copies of the Agreement, identified as Part II, General Provisions, Operating-Differential Subsidy Agreement, may be obtained by persons having a proper interest upon application to the Secretary, Federal Maritime Board, Washington 25, D. C.

(Sec. 204, 49 Stat. 1987 as amended; 46 U. S. C. 1114)

Dated: January 2, 1959.

By Order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F. R. Doc. 59-110; Filed, Jan. 2, 1959; 10:45 a. m.]

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 545—HOMEWORKERS IN THE FABRIC AND LEATHER GLOVE INDUSTRY; THE HANDKERCHIEF, SQUARE SCARF, AND ART LINEN INDUSTRY; THE CHILDREN'S DRESS AND RELATED PRODUCTS INDUSTRY; THE WOMEN'S AND CHILDREN'S UNDERWEAR AND WOMEN'S BLOUSE AND NECKWEAR INDUSTRY; THE NEEDLEWORK AND FABRICATED TEXTILE PRODUCTS INDUSTRY; AND THE SWEATER AND KNIT SWIMWEAR INDUSTRY IN PUERTO RICO

Piece Rates

Notice was published in the FEDERAL REGISTER on October 21, 1958 (23 F. R. 8111), that the Administrator of the Wage and Hour Division, United States Department of Labor, proposed to amend Part 545 of Title 29, Code of Federal Regulations. The amendment is based on section 6 (a) (2) of the Fair Labor Standards Act of 1938 (52 Stat. 1062, as amended, 29 U. S. C. 206) which requires in part that homeworkers in Puerto Rico be paid not less than the minimum piece rates prescribed by regulation or order. Such piece rates are required to be commensurate with minimum hourly wage rates established by Industry Committees under Section 8 of the Act.

The notice provided a period of fifteen days within which interested parties might submit data, views, or arguments in writing to the Administrator, Wage and Hour Division, United States Department of Labor. Two responses were received, one from the International Ladies' Garment Workers' Union, and another from the Baylis Brothers Company of Cincinnati, Ohio. Having duly considered all relevant matter presented, and material in the files of this office, the piece rates for the industries designated have been computed in the final amendment which follows.

In accordance with section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U. S. C. 1003) and under authority of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), Reorganization Plan No. 6 of 1950 (3 CFR, 1950 Supp., p. 165), and General Order No. 45-A of the Secretary of Labor (15 F. R. 3290), 29 CFR, Part 545, is amended as follows.

Section 545.13 is hereby amended as follows:

§ 545.13 Piece rates established in accordance with § 545.9.

SCHEDULE A—PIECE RATE SCHEDULE FOR THE WOMEN'S AND CHILDREN'S UNDERWEAR AND WOMEN'S BLOUSE AND NECKWEAR INDUSTRY AND THE CHILDREN'S DRESS AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO [1]

No.	Operation	Women's and children's underwear and women's blouse and neckwear industry.		Children's dress and related products industry	Unit of payment
		Blouses and neckwear and silk and synthetic underwear and nightwear	Cotton underwear and nightwear		
		(1)	(2)	(3)	
		Cents	*Cents*	*Cents*	
1	Arenilla (seed stitch), close, ½" squares	57.60	51.84	56.40	Per dozen squares.
2	Arenilla (seed stitch), scattered, ½" squares	28.80	25.92	28.20	Do.
3	Arrows, filled in, ¼"	14.40	12.96	14.10	Per dozen.
4	Back stitch on yokes, armholes, etc	[2] 32.00	[2] 28.80	43.33	Per yard.
5	Basting bias with cord	15.84	14.26	15.51	Do.
6	Basting darts before sewing	[2] 16.70	[2] 15.04	22.75	Do.
7	Basting for fagoting	4.33	3.90	4.24	Do.
8	Basting hems, 1" to 6" wide	[2] 9.60	[2] 8.64	13.00	Do.
9	Basting lace incidental to sewing on lace with solid cord stitch.	8.30	7.47	8.12	Do.
10	Basting waist lines, plackets, and facings, [3] to 3 stitches per inch.	[2] 6.01	[2] 5.41	8.14	Do.
11	Bias piping, joined, double, over 10 stitches per inch.	19.20	17.28	18.80	Do.
12	Bias piping, joined, single, over 10 stitches per inch.	24.00	21.60	23.50	Do.
13	Bias piping, second seam joined double, set flat on garment with running stitch.	28.93	26.04	28.32	Do.
14	Blanket stitch, folding included, 18 stitches per inch.	54.40	48.96	53.27	Do.
15	Buttons sewed on with double thread, 2 to 3 stitches.	[2] 6.27	[2] 5.64	8.46	Per dozen.
16	Buttonhole, stamped, ⅜" long	[2] 20.70	[2] 18.63	28.01	Do.
17	Buttonhole, stamped, ½" long	[2] 27.52	[2] 24.77	37.30	Do.
18	Buttonhole stitch, close	43.20	38.88	42.30	Per yard.
19	Buttonhole stitch for joining seams	43.20	38.88	42.30	Do.
20	Cord, twisted, over basting	4.80	4.32	4.70	Per dozen inches.
21	Cutting material applied over lace with solid cord stitch.	6.58	5.92	6.45	Per yard.
22	Cutting material under lace or at seams, straight outline, following hand-sewing operation.	2.70	2.43	2.64	Do.
22.1	Cutting material under lace or at seams, straight outline, following machine operations (formerly operation No. 93).	3.93	3.93	3.93	Do.
23	Dots, baby, not finished off, 2 to 3 stitches	4.00	3.61	3.92	Per dozen.
24	Dots, medium, not filled in, finished off, 8 to 9 stitches.	6.34	5.71	6.20	Do.
25	Eyelets, up to ⅛" diameter	10.70	9.63	10.47	Do.
26	Eyelets, 3/16" diameter	19.20	17.28	18.80	Do.
27	Fagoting, straight lines	66.86	60.17	65.46	Per yard.
28	Fagoting, twisted lines	32.00	28.80	31.33	Do.
29	Feather stitch, 12 stitches per inch	32.00	28.80	31.33	Per yard.
30	Feather stitch cord	16.84	15.16	16.49	Do.
31	Flat fell seams, first seam by machine	[2] 18.75	[2] 16.87	25.36	Do.
32	Flat roll	[2] 14.56	[2] 13.10	19.68	Do.
33	French knots, not finished off	2.01	1.80	1.96	Per dozen.
34	French seams, over 12 stitches per inch	[2] 12.00	[2] 10.81	16.25	Per yard.
35	French seams, first seam by machine, 9 to 12 stitches per inch.	[2] 7.93	[2] 7.14	10.74	Do.
36	Furunecos, with tape	72.00	64.80	70.50	Do.
37	Furunecos, without tape	57.60	51.84	56.40	Do.
38	Guariquenas	4.80	4.32	4.70	Per dozen.
39	Half roll (with colored or emb. thread)	15.74	14.17	15.42	Per yard.
40	Hemming stitch for felling, 2 to 3 stitches per inch.	[2] 8.39	[2] 7.55	11.36	Do.
41	Hemming stitch for felling cuffs, collars, plackets, and waist bands, 8 to 10 stitches per inch.	[2] 21.47	[2] 19.33	29.08	Do.
42	Hemstitch, double (tru-tru), 4 threads in a bundle, thread drawing not included.	59.52	53.57	58.28	Do.
43	Hemstitch, single, 4 threads in a bundle, thread drawing not included.	31.24	28.12	30.59	Do.
44	Lace, joined with whipping stitch	50.01	45.00	48.96	Do.
45	Lace, sewed on with hemming stitch or round roll.	24.00	21.60	23.50	Do.
46	Leaves, open, ¼" long	19.20	17.28	18.80	Per dozen.
47	Leaves, open, ⅜" to ½" long	28.80	25.92	28.20	Do.
48	Leaves, simple	1.79	1.61	1.76	Do.
49	Leaves, solid, not finished off, ⅛" long	5.27	4.75	5.16	Do.
50	Leaves, solid, not finished off, ¼" long	6.40	5.76	6.27	Do.
51	Leaves, solid, not finished off, ⅜" to ½" long	9.60	8.64	9.40	Do.
52	Leaves, solid, finished off, ⅝" to ¾" long	19.20	17.28	18.80	Do.
53	Loops, knitted, ¼"	6.01	5.41	5.89	Do.
54	Loops, knitted, 1" to 1½"	10.09	9.09	9.88	Do.
55	Loops, made with buttonhole stitch	14.40	12.96	14.10	Do.

See footnotes at end of table.

SCHEDULE A—PIECE RATE SCHEDULE FOR THE WOMEN'S AND CHILDREN'S UNDERWEAR AND WOMEN'S BLOUSE AND NECKWEAR INDUSTRY AND THE CHILDREN'S DRESS AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO [1]—Continued

No.	Operation	Women's and children's underwear and women's blouse and neckwear industry.		Children's dress and related products industry	Unit of payment
		Blouses and neckwear and silk and synthetic underwear and nightwear	Cotton underwear and nightwear		
		(1)	(2)	(3)	
56	Mounting fagoting appliques, including pinning and basting to garment, first seam with running stitch, felled seam with hemming stitch.	*Cents* 57.35	*Cents* 51.62	*Cents* 56.15	Per yard.
57	Overcasting seams	[2] 10.21	[2] 9.18	13.83	Do.
58	Pasadas, short, 1" to 8"		4.48		Per dozen pasadas.
59	Patches, sewed on with single point de turo	93.62	86.06	93.62	Per yard.
59.1	Patches, rectangular, sewed on with blind stitch, up to 1½ inch.	6.04	5.43	5.91	Per dozen inches.
59.2	Patches, sewed on with solid cord, cutting and basting included.	94.08	84.67	92.12	Per yard.
60	Pin stitch, thread drawing not included, 1 inch squares.	115.20	103.68	112.80	Per dozen squares.
61	Point de turo, double, with embroidery thread.	47.75	42.98	46.75	Per yard.
62	Point de turo, plain, with embroidery thread.	28.00	25.19	27.42	Do.
63	Randa, bundles twisted but not tied, thread drawing not included.	12.00	10.79	11.75	Do.
64	Randa, Don Gonzales, thread drawing not included.	50.40	45.35	49.35	Do.
65	Randa, Mexican, tied at center only, thread drawing not included.	14.40	12.96	14.10	Do.
66	Ribbons, setting ends of	6.58	5.92	6.45	Per dozen.
67	Rolling armholes and reboques	[2] 24.52	[2] 22.07	33.21	Per yard.
68	Rose buds, worm stitch, 4 worms, 1 or 2 colors or tones.	14.26	12.83	13.97	Per dozen.
69	Running stitch on darts, 8 to 10 stitches per inch.	[2] 12.00	[2] 10.81	16.25	Per yard.
70	Running stitch for felling, very close stitch	[2] 12.00	[2] 10.81	16.25	Do.
71	Running stitch on hems up to 1" wide, 12 stitches per inch.	[2] 12.90	[2] 11.61	17.49	Do.
72	Running stitch on lace	12.74	11.47	12.48	Do.
73	Running stitch for plain sewing	[2] 8.67	[2] 7.81	11.76	Do.
74	Scallops, plain, cutting included	48.32	43.49	47.31	Do.
75	Shadow stitch, up to ¾" wide	92.80	83.52	90.87	Do.
76	Shell, 4 to 5 stitches per inch	16.46	11.82	16.11	Do.
77	Shirring, material to be measured before shirring.	9.66	8.69	9.47	Do.
78	Shirring and basting lace edging, material to be measured after shirring.	11.62	10.45	11.37	Do.
79	Shirring and setting lace edging with hemming stitch on straight outline, material to be measured after shirring.	20.87	18.78	20.43	Do.
80	Shoulder straps, set with buttonhole stitch, 14½" x ¼", measured after turning, sewing up to ⅜" at each end at strap.	56.74	51.06		Per dozen straps.
81	Size tickets set with hemming stitch, cutting tickets included.	[2] 9.60	[2] 8.64	13.00	Per dozen inches.
82	Smocking	.39	.35	.39	Per dozen stitches.
83	Snaps, sewing on, both sides	[2] 9.60	[2] 8.64	13.00	Per dozen.
84	Solid cord stitch on gores and embroidery	45.12	40.61	44.18	Per yard.
85	Solid cord stitch to sew on lace	40.80	36.71	39.95	Do.
86	Spiders, 4 legs	9.60	8.64	9.40	Per dozen.
87	Spiders, 8 legs	18.76	16.89	18.37	Do.
88	Tacks, set for fagoting	4.80	4.32	4.70	Do.
89	Tucks, stamped, 1/16" to ¼" wide, up to 6" long.	15.02	13.51	14.70	Do.
90	Tucks, pin, stamped up to 7" long	15.83	14.25	15.50	Do.
91	Tucks, pin, unstamped, up to 6" long	19.20	17.28	18.80	Do.
93	(See operation No. 22.1.)				

See footnotes at end of table.

SCHEDULE A—PIECE RATE SCHEDULE FOR THE WOMEN'S AND CHILDREN'S UNDERWEAR AND WOMEN'S BLOUSE AND NECKWEAR INDUSTRY AND THE CHILDREN'S DRESS AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO [1]—Continued

No.	Operation	Women's and children's underwear and women's blouse and neckwear industry.		Children's dress and related products industry	Unit of payment
		Blouses and neckwear and silk and synthetic underwear and nightwear	Cotton underwear and nightwear		
		(1)	(2)	(3)	
94	Turning belts, machine sewn, 20" x ½", measured after turning.	*Cents* 16.27	*Cents* 16.27	*Cents* 15.11	Per dozen belts.
95	Turning belts, machine sewn, 60" x ½", measured after turning.	20.67	20.67	19.20	Do.
96	Turning shoulder pads, 5¾" long, with an unsewed slit of 1" for turning.	10.56	10.56	9.81	Per dozen pads.
97	Turning shoulder straps, 14½" x ¼", measured after turning.	32.43	32.43		Per dozen straps.

[1] See current wage orders for these two industries for definitions of the industries and of the classifications of "hand-sewing", "hand-embroidery", and "other operations", and for applicable minimum hourly wage rates.
[2] Piece rate not applicable when operation is performed on articles which are wholly machine-sewn or machine-knit.

SCHEDULE B—PIECE RATE SCHEDULE FOR THE HANDKERCHIEF, SQUARE SCARF, AND ART LINEN INDUSTRY IN PUERTO RICO [1]

No.	Operation	Cents	Unit of payment
99	Arenillas (seed stitch), close, ½" squares	32.40	Per dozen squares.
100	Arenillas (seed stitch), scattered, ½" squares	16.20	Do.
101	Arrows, filled in, ¾" long	8.10	Per dozen.
102	Basting lace for setting with straight sewing stitch	1.55	Per dozen inches.
103	Basting stitch for trimming, forming crosses, etc., 4 stitches per inch	1.35	Do.
103.1	Basting and folding hem on edges up to 1½" hem	[2] .54	Do.
104	Blind hemstitch	5.40	Do.
105	Buttonhole stitch, 16 stitches per inch	7.40	Do.
106	Buttonhole stitch, 24 to 30 stitches per inch	8.10	Do.
107	Chain stitch, 4 stitches per inch	1.35	Do.
108	Chain stitch, 8 stitches per inch	2.70	Do.
109	Cord, solid, on stem	8.45	Do.
110	Cord, twisted, over basting	2.70	Do.
111	Cord or embroidery, solid, without filling, up to ⅛" thick [3]	8.10	Do.
112	Crouching or flat cord, 4 stitches per inch	1.35	Do.
113	Cross stitch, 6 crosses per inch	5.75	Do.
114	Cut work with buttonhole stitch, 24 to 30 stitches per inch	10.80	Do.
114.1	Daisies, 12 to 15 stitches, with double embroidery thread	8.10	Per dozen.
115	Diamonds, filled in, ¼" to ⅜" wide	8.10	Do.
116	Dots, baby, not finished off, 2 to 3 stitches	2.24	Do.
117	Dots, large, not filled in, finished off, 12 stitches	4.05	Do.
118	Dots, large, filled in, finished off, over 12 stitches	8.10	Do.
119	Dots, large, not filled in, finished off, over 12 stitches	5.40	Do.
120	Dots, medium, not filled in, finished off, 8 to 9 stitches	3.56	Do.
120.1	Dots, medium, in groups, not finished off, 5 stitches, with double embroidery thread.	2.31	Do.
120.2	Dots, medium, finished off, 5 stitches, with double embroidery thread.	3.05	Do.
121	Embroidery, solid, 3/16" to ¾" thick, averages 28 stitches per inch [3]	10.80	Per dozen inches.
122	Embroidery, solid, straight or diagonal, same as image stitch, filled in, loose.	10.80	Do.
123	Embroidery, solid, straight or diagonal, same as image stitch, not filled in, loose.	8.10	Do.
124	Eyelets, ⅛" diameter	6.02	Per dozen.
125	Feather stitch, 12 stitches per inch	6.00	Per dozen inches.
126	Feather stitch cord	3.17	Do.
127	Flat hems without pasada	[2] 2.80	Do.
128	French knots, not finished off	1.13	Per dozen.
128.1	French knots, finished off, with double embroidery thread	2.16	Do.
129	Guariquenas	2.70	Do.

SCHEDULE B—PIECE RATE SCHEDULE FOR THE HANDKERCHIEF, SQUARE SCARF, AND ART LINEN INDUSTRY IN PUERTO RICO [1]—Continued

No.	Operation	Cents	Unit of payment
130	Hand or French rolling, 10 stitches or less per inch	7.63	Per 48 inches.
131	Hand or French rolling, 11 stitches or more per inch	9.17	Do.
132	Hand-rolling one side of a corner The piece rate shall apply under the following conditions: (a) The machine-stitching runs to the end on one side of each corner; and on the other side, the space left open for hand-rolling at the corner is not less than ¼" nor more than 1"; and (b) Only one side of each corner is hand-rolled; and the hand-rolling is not longer than 1".	18.01	Per dozen handkerchiefs.
133	Hand-rolling both sides of a corner The piece rate shall apply under the following conditions: (a) The machine-stitching does not run to the end of either side of any corner; and the space left open for hand-rolling at each side of the corners is not less than ¼" nor more than 1"; and (b) Both sides of the corners are hand-rolled; but the hand-rolling is not longer than one inch on either side of any corner.	35.99	Do.
134	Hand-rolling both sides of a corner The piece rate shall apply under the following conditions: (a) The machine-stitching runs to the end on one side of each corner; and on the other side, the space left open for hand-rolling at the corner is not less than ¼" nor more than 1"; and (b) Both sides of the corners are hand-rolled; but the hand-rolling is not longer than two inches on any corner.	45.01	Do.
135	Hemstitch, double (tru-tru), 4 threads in a bundle, thread drawing not included.	11.15	Per dozen inches.
136	Hemstitch, single, 4 threads in a bundle, thread drawing not included	5.87	Do.
137	Initials, simple, with hoops	27.00	Do.
138	Initials, simple, without hoops	16.74	Do.
139	Lace, joined at corners with hemming stitch	8.10	Do.
140	Leaves, simple	1.01	Per dozen.
141	Leaves, solid, not finished off, ¼" long	3.59	Do.
142	Leaves, solid, not finished off, ⅜" to ½" long	5.40	Do.
143	Leaves, solid, not finished off, ⅝" to ¾" long	10.80	Do.
144	Loops, made with worm stitch, ¼"	1.81	Do.
145	Pasadas, 11" x 11" to 14" x 14", linen up to 1,600 count, inclusive	5.40	Per dozen pasadas.
146	Pasadas, 11" x 11" to 14" x 14", linen 1,700 count and over	7.56	Do.
147	Pasadas, 15" x 15", linen up to 1,600 count, inclusive	9.18	Do
148	Pasadas, 15" x 15", linen 1,700 count and over	11.34	Do
149	Pasadas, 16" x 16" to 20" x 20", linen up to 1,400 count inclusive	12.96	Do
150	Pasadas, short, 1" to 7", linen up to 1600 count inclusive	[6] 2.80	Do.
	Pasadas, short:		
151	Cambric, 1" to 10"	5.40	Do.
152	Crash, 1" to 10"	4.05	Do.
153	Cambric, 10½" to 18"	10.80	Do.
154	Crash, 10½" to 18"	8.10	Do.
155	Patches, circular, sewed on with hemming stitch, cutting included	5.91	Per dozen inches.
156	Patches, irregular outline, sewed on with hemming stitch, cutting included.	10.29	Do.
156.1	Patches, irregular outline, sewed on with blind stitch, up to 4"	7.56	Do.
156.2	Patches, irregular outline sewed on with blind stitch, over 4"	3.84	Do.
157	Patches, rectangular, sewed on with hemming stitch, cutting included.	4.85	Do.
158	Pin stitch, thread drawing not included, 1" sq	64.80	Do.
159	Randa, Don Diego, thread-drawing not included	12.15	Do.
160	Randa, Mexican, tied at center only, thread drawing not included	2.70	Do.
161	Randa, simple, not stitched at either side, thread drawing not included.	2.05	Do.
162	Rose buds, worm stitch, 4 worms, 2 colors or tones	8.02	Per dozen.
163	Scallops, plain, cutting included	9.07	Per dozen inches.
164	Shadow stitch, up to ⅜" wide	17.30	Do.
165	Spiders, 4 legs	5.40	Per dozen.
166	Spiders, 8 legs	10.56	Do.

[6] For each additional count of 100, add 1.08 cents.

SCHEDULE B—PIECE RATE SCHEDULE FOR THE HANDKERCHIEF, SQUARE SCARF, AND ART LINEN INDUSTRY IN PUERTO RICO [1]—Continued

No.	Operation	Cents		Unit of payment
		Cambric (1)	Crash (2)	
	Thread drawing			
	Art linens, first thread, not coming out at edge:			
167.0	Stamped 1" to 10"	1.93	----------	Per dozen threads.
167.2	Not stamped 1" to 10"	2.41	1.43	Do.
	Art linens, unstamped, first thread, all-around, not coming out at edge:			
167.4	Doilies 12" x 18"	10.79	8.79	Per dozen pieces.
	Napkins:			
167.6	12" x 12"	8.63	7.31	Do.
167.7	15" x 15"	10.79	8.79	Do.
167.8	18" x 18"	12.95	10.15	Do.
	Scarves:			
168.0	17" x 36"	19.06	13.66	Do.
168.1	17" x 45"	22.30	15.40	Do.
168.2	17" x 54"	25.54	17.09	Do.
	Squares:			
168.3	36" x 36"	25.91	17.27	Do.
168.4	45" x 45"	32.37	20.53	Do.
168.5	54" x 54"	38.85	23.99	Do.
	Art linens, unstamped, first thread at one end, coming out at both edges:			
	Towels:			
168.6	9" x 15"	----------	1.36	Do.
168.7	15" x 24"	----------	1.97	Do.
168.8	18" x 30"	----------	2.26	Do.
169.	Art linens, after first thread	(?)	(?)	

[1] For second and third threads, 20 percent of rate for first thread; for additional threads, 15 percent of rate for first thread.

No.	Operation	Cents	Unit of payment
	Thread drawing		
	Ladies, handkerchiefs:		
170	First thread around edge, cotton or linen, up to 1600 count inclusive.	2.70	Per dozen threads.
171	First thread, inside, cotton or linen, up to 1600 count inclusive	3.39	Do.
172	After first thread (for example, for hemstitching)	(?)	
173	First thread around edge, linen up to 1500 count inclusive, 16" x 16" to 20" x 20".	4.05	Do.
174	First thread around edge, linen 1600 count and over, 16" x 16" to 20" x 20".	4.74	Do.
175	First thread, inside, linen up to 1500 count inclusive, 16" x 16" to 20" x 20".	4.74	Do.
176	First thread, inside, linen 1600 count and over, 16" x 16" to 20" x 20".	5.40	Do.
177	After first thread (for example, for hemstitching)	(?)	

SCHEDULE B. PIECE RATE SCHEDULE FOR THE HANDKERCHIEF, SQUARE SCARF, AND ART LINEN INDUSTRY IN PUERTO RICO [1] (Continued)

[Unit of payment—per dozen]

No.	Operation	Doilies			Napkins			Table scarves			Squares			Table cloths		
		8" x 10"	10" x 14"	12" x 18"	12" x 12"	15" x 15"	18" x 18"	17" x 36"	17" x 45"	17" x 54"	36" x 36"	45" x 45"	54" x 54"	54" x 72"	72" x 72"	72" x 90"
179	Half roll, cambric and crash, at 2.95 cents per dozen inches	$1.42	$1.42	$1.77	$1.42	$1.77	$2.12	$3.13	$3.66	$4.19	$4.25	$5.31	$6.37	$7.43	$8.50	$9.56
180	Hand or French rolling, 10 stitches or less per inch, cambric and crash, at 1.91 cents per dozen inches	.92	.92	1.15	.92	1.15	1.38	2.02	2.37	2.71	2.75	3.44	4.13	4.81	5.50	6.19
	Hemming stitch over pasada measuring all around edge:															
181	Cambric, at 1.81 cents per dozen inches [2]	.87	.87	1.09	.87	1.09	1.30	1.92	2.24	2.57	2.61	3.26	3.91	4.56	5.21	5.86
182	Crash, at 1.69 cents per dozen inches [2]	.81	.81	1.01	.81	1.01	1.22	1.79	2.10	2.40	2.43	3.04	3.65	4.26	4.87	5.48
	Second seams, for separate borders, measuring all around edge:															
183	Cambric, at 1.81 cents per dozen inches [2]	.87	.87	1.09	.87	1.09	1.30	1.92	2.24	2.57	2.61	3.26	3.91	4.56	5.21	5.86
184	Crash, at 1.69 cents per dozen inches [2]	.81	.81	1.01	.81	1.01	1.22	1.79	2.10	2.40	2.43	3.04	3.65	4.26	4.87	5.48
	Second seams, for separate borders, with French corners, measuring all around edge:															
185	Cambric, at 2.02 cents per dozen inches [2]	.97	.97	1.27	.97	1.21	1.45	2.14	2.50	2.87	2.91	3.64	4.36	5.09	5.82	6.54
186	Crash, at 1.81 cents per dozen inches [2]	.87	.87	1.09	.87	1.09	1.30	1.92	2.24	2.57	2.61	3.26	3.91	4.56	5.21	5.86

SCHEDULE B. PIECE RATE SCHEDULE FOR THE HANDKERCHIEF, SQUARE SCARF, AND ART LINEN INDUSTRY IN PUERTO RICO [1] (Continued)

No.	Operation	Cents	Unit of payment
	Scallop cutting		
	Hand-cutting machine-embroidered, shallow, curved scallops on handkerchiefs or square scarves:		
187.4	Small, measuring from 5/16" up to but not including 5/8", along outside edge.	28.04	Per dozen scallops.
187.5	Medium, measuring from 5/8" up to but not including 7/8", along outside edge.	35.31	Do.
187.6	Large, measuring from 7/8" to and inclusive of 1 1/4", along outside edge.	52.96	Do.
	Needlepoint operations [4] [5]		
200	Compact florals, figures and landscapes	28.68	Per 1,000 stitches.
201	Scattered florals	30.24	Do.
202	Scattered florals consisting of borders or garlands only	32.40	Do.
203	Combinations of compact center and scattered borders in which the compact portion totals 45 percent or more of the total design.	30.24	Do.
204	Combinations of compact center and scattered borders in which the compact portion totals less than 45 percent of the entire design.	32.40	Do.
205	2.16 cents must be added to the above piece rates to cover thumb-tack mounting on frame for each piece of canvas. Employers using other methods must set individual rates for mounting and removing canvas in accordance with Section 545.10.		

[1] See current wage order for this industry for definition of the industry and of the classifications of "hand-sewing" and "other operations", and for applicable minimum hourly wage rates.

[2] Piece rate not applicable when operation is performed on articles which are otherwise wholly machine-sewn.

[3] These piece rates have been set on the basis of O.N.T. thread #5, corded, which averages 28 stitches per inch of solid cord. If corded threads are used which are not so thick, the rate should be increased in proportion to the increase in the number of stitches per inch. If corded thread #11 is used, 15 percent must be added to the piece rates established for thread #5.

[4] *Exceptions.* These piece rates do not apply to the following types of needlepoint. For these and all other varieties of needlepoint not covered by the schedule and definitions, piece rates must be set by employers in accordance with Regulation 545.10.

1. Florals having more than 10,000 stitches.
2. Florals having more than 36 color tones.
3. Figures and landscapes having more than 3,000 stitches.
4. Figures and landscapes having more than 25 color tones.
5. Petit point.
6. Stamped grospoint.

[5] *Definitions.* (1) A scattered design is one in which 50 percent or more of the component parts, when finished, are separated by spaces of unsewn canvas.

(2) A compact design is one in which 50 percent or more of the finished piece contains no spaces of unsewn canvas.

(Sec. 6, 11, 52 Stat. 1062, as amended, 1066, as amended; 29 U. S. C. 206, 211)

This amendment shall become effective February 2, 1959.

Signed at Washington, D. C., this 24th day of December 1958.

CLARENCE T. LUNDQUIST,
Administrator.

[F. R. Doc. 59-1; Filed, Jan. 2, 1959; 8:45 a. m.]

Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 113—FINANCIAL ASSISTANCE FOR CURRENT EXPENDITURES AFTER JUNE 30, 1956, OF LOCAL EDUCATIONAL AGENCIES IN AREAS AFFECTED BY FEDERAL ACTIVITIES AND ARRANGEMENTS FOR THE FREE PUBLIC EDUCATION OF CERTAIN CHILDREN RESIDING ON FEDERAL PROPERTY

PART 115—FINANCIAL ASSISTANCE FOR CURRENT EXPENDITURES AFTER JUNE 30, 1958, OF LOCAL EDUCATIONAL AGENCIES IN AREAS AFFECTED BY FEDERAL ACTIVITIES AND ARRANGEMENTS FOR FREE PUBLIC EDUCATION OF CERTAIN CHILDREN RESIDING ON FEDERAL PROPERTY

Part 115 is added to 45 CFR, Chapter I, and establishes regulations for the filing and processing of applications for financial assistance for current expenditures, after June 30, 1958, of local educational agencies in areas affected by Federal activities and for the making of arrangements by the Commissioner of Education to provide free public education for certain children residing on Federal property, under Public Law 874, 81st Congress (64 Stat. 1100), as amended by Public Law 248, 83d Congress (67 Stat. 530), Public Law 204, 84th Congress (69 Stat. 433), Public Law 221, 84th Congress (69

Stat. 485), Public Law 382, 84th Congress (69 Stat. 713), Public Law 949, 84th Congress (70th Stat. 970), Public Law 896, 84th Congress (70 Stat. 909), and Public Law 85–620 (72 Stat. 559). These regulations supersede the regulations contained in Part 113 of this chapter with respect to financial assistance for the period beginning after June 30, 1958.

Subpart A—Scope and Definitions

Sec.
115.1 Scope.
115.2 Provisions not exhaustive of jurisdiction of the Commissioner.
115.3 Definitions.

Subpart B—Applications

115.10 Applications.
115.11 Final date for filing applications for financial assistance from funds appropriated for fiscal year 1959 and thereafter.
115.12 Applications under sections 2, 3, and 4 received after deadline not considered for payment.
115.13 Notification to applicants.

Subpart C—Payment

115.20 Changes in boundaries, classification and governing authority of applicants.
115.21 Payment under section 3 when percentage eligibility requirement is not met.
115.22 Election provision of section 4 (c).
115.23 Payments.
115.24 Payments of financial assistance under sections 2, 3, and 4 from fiscal year appropriations.

Subpart D—Generally Comparable Districts; Local Contribution Rate

115.30 Determination of generally comparable school districts.
115.31 Computation of local contribution rate in continental United States.
115.32 Increase in or special local contribution rate.

Subpart E—Records and Reports Required by the Commissioner

115.40 Records and reports required of applicants.
115.41 Interim reports.
115.42 Necessity and effect of final reports by applicants under sections 2, 3, or 4.
115.43 Retention of records.
115.44 Reports from other Federal agencies.

Subpart F—Arrangements under Section 6 of the Act

115.50 Proposal for arrangements for certain children residing on Federal property.
115.51 Determination by the Commissioner.
115.52 Arrangements under section 6 (b) and section 6 (c).
115.53 Arrangements.
115.54 Expenditures.
115.55 Reports.
115.56 Termination of arrangements.

AUTHORITY: §§ 115.1 to 115.56 issued under sec. 7, 64 Stat. 1107; 20 U. S. C. 242. Interpret or apply secs. 1–6, 8, 9, 64 Stat. 1100–1108, as amended; 20 U. S. C. 236–241, 243–244.

Subpart A—Scope and Definitions

§ 115.1 Scope.

The regulations in this part govern the granting of financial assistance under the act to applicants within the continental United States, Hawaii, Alaska, Puerto Rico, the Virgin Islands, Wake Island, and Guam.

§ 115.2 Provisions not exhaustive of jurisdiction of the Commissioner.

No provision of this part now or hereafter promulgated shall be deemed exhaustive of the jurisdiction of the Commissioner under the act. The provisions of this part may be modified or further regulations may be issued hereafter as circumstances may warrant.

§ 115.3 Definitions.

All terms used in this part which are defined in the act and not defined in this section shall have the meaning given to them in the act. As used in this part, and for the purposes of this part and determinations under the act, the following terms shall have the meaning indicated in paragraphs (a) to (j) of this section.

(a) *Act.* "The act" means Public Law 874, 81st Congress (64 Stat. 1100); as amended by Public Law 248, 83d Congress (67 Stat. 530); Public Law 204, 84th Congress (69 Stat. 433); Public Law 221, 84th Congress (69 Stat. 485); Public Law 382, 84th Congress (69 Stat. 713); title II of Public Law 949, 84th Congress (70 Stat. 970); Public La 896, 84th Congress (70 Stat. 909); and title II of Public Law 85–620 (72 Stat. 559).

(b) *The Commissioner.* "The Commissioner" means the Commissioner of Education, Department of Health, Education, and Welfare, or his delegatee.

(c) *Applicant.* "Applicant" means any local educational agency which files an application for financial assistance under sections 2, 3, or 4 of the act, or any subsection of section 3 or section 4, and this part, but does not include one proposing arrangements under section 6 of the act.

(d) *Application.* "Application" means Form RSF–1, "Application for Financial Assistance for Current Expenditures for Public Schools in Areas Affected by Federal Activities" properly completed and executed, including amendments thereto, and, to the extent indicated by the applicant, any document or documents in support thereof, filed by or on behalf of an applicant requesting financial assistance under the act and this part.

(e) *Local educational agency.* "Local educational agency" means a board of education or other legally constituted local school authority (including, where applicable, a State agency which directly operates and maintains facilities for providing free public education) having exclusive administrative control and direction of free public education, or some phase thereof, in a county, township, independent, or other school district located within a State.

(f) *Free public education.* "Free public education" means education which is provided at public expense, under public supervision and direction, and without tuition charge, and which is provided as elementary or secondary school education in the applicable State. Elementary education may include kindergarten education meeting the above criteria.

(g) *Financial assistance.* "Financial assistance" means the payments made to an applicant under section 5 (b) of the act by the Department of the Treasury upon authorization of the Commissioner.

(h) *Entitlement.* "Entitlement" means the amount of assistance which, if the appropriations for a fiscal year were adequate to pay all claims, an applicant under sections 2, 3, or 4 would receive under the formulae of the act.

(i) *Generally comparable school districts.* "Generally comparable school districts" are those so determined by the Commissioner, after consultation with the State educational agency and the applicant.

(j) *Arrangements.* "Arrangements" means the agreement entered into between the Commissioner and a local educational agency or a Federal department or agency for the provision of free public education under section 6 of the act.

Subpart B—Applications

§ 115.10 Applications.

Any local educational agency believing itself to be entitled to assistance under sections 2, 3, or 4 of the act or any subsection thereof, shall, as a condition of entitlement, file with the Commissioner of Education, through the appropriate State educational agency, on Form RSF–1, "Application for Financial Assistance for Current Expenditures for Public Schools in Areas Affected by Federal Activities under Public Law 874, 81st Congress, as amended," an application for financial assistance, showing basis for entitlement under the terms and conditions of the act.

§ 115.11 Final date for filing applications for financial assistance from funds appropriated for fiscal year 1959 and thereafter.

(a) The final date for filing applications for financial assistance under sections 2, 3, or 4 of the act, or under any subsection thereof, and this part, out of funds appropriated for any fiscal year shall be March 31st of such fiscal year for all applicants; except that, whenever such date shall fall on a Saturday, Sunday, or other legal holiday, the final date for filing applications shall be the next succeeding week day. An application must be received by the Commissioner, or under cover postmarked, on or before the final filing date after transmittal through and certification by the State educational agency. The applicant is responsible for obtaining the certification of the State educational agency and for securing transmittal of the application to the Commissioner of Education by the final filing date. The applicant, in order to give the State educational agency time in which it may process the application, should file its application with the State educational agency by March 1 of the fiscal year. The final date for filing the application with the Commissioner is subject to the following exceptions:

(1) With respect to an applicant whose eligibility for financial assistance under this act is established by an activity of the United States initiated or reactivated, or by the acquisition of Federal property, during the fiscal year, the filing date shall be extended 60 days beyond

the date of such occurrence establishing eligibility:

(2) With respect to an applicant whose eligibility for financial assistance is established under or pursuant to an amendment to the act, adopted during the fiscal year, the filing date shall be extended 60 days beyond the date of such amendment;

(3) With respect to a local educational agency which, during the fiscal year, acquired administrative control and direction of free public education in all or any portion of an area of a previously existing local educational agency under the circumstances described in § 115.20 (b), the filing date shall be extended to the extent necessary to allow sixty days beyond the effective date of the change in district organization for the filing of an application under sections 3 and 4 of the act: *Provided*, That, for the purposes of this paragraph, where an application is filed directly with the Commissioner within the applicable filing date, and a copy is filed within such time with the State educational agency, the application, for good cause shown, will be considered to be timely filed if within fifteen days after the applicable filing date the applicant obtains and files with the Commissioner approval, verification and certification of the application by the State educational agency: *And provided further*, That an application timely filed may be amended to obtain additional or alternative financial assistance based upon a Federal activity which has been initiated or reactivated, or upon property which has been acquired by the United States after the application was filed, or upon an amendment to the act enacted after the application was filed, or upon a determination of the Commissioner first communicated to the applicant that property is or is not "Federal property" under the act, if such amendment is made within 60 days of the occurrence or communication of the Commissioner's ruling to the applicant.

(b) After the applicable filing date an application cannot be amended or modified to assert a basis for financial assistance not clearly stated and supported by data in the application.

§ 115.12 Applications under sections 2, 3, and 4 received after deadline not considered for payment.

Applications under sections 2, 3, and 4 of the act or any subsection thereof for fiscal year 1959, and for fiscal years thereafter, received by the Commissioner after the filing dates prescribed by this part will not be considered for payment.

§ 115.13 Notification to applicants.

Each applicant will be notified of the initial approval or disapproval of its application under one or more of the sections or subsections of the act and this part, and the estimated amount of payment, if any, to be made.

Subpart C—Payment

§ 115.20 Changes in boundaries, classification and governing authority of applicants.

(a) If an applicant is party to any merger, consolidation, annexation, consolidation, or other similar action which may affect its boundaries, identity, governing authority, classification, or control, the Commissioner shall be notified as soon as practicable of the effective date of such action for all purposes, the extent and character thereof, and the legal authority under which the action was or is to be effected.

(b) If, as a result of a change in district organization through merger, annexation, consolidation, or other similar action, effective within the fiscal year covered by the application, a local educational agency which had timely filed an application ceases to be a legally constituted local educational agency, it shall not be entitled to any payments under section 3 or 4 of the act for such fiscal year. However, except as provided in § 115.21 (c), a local educational agency whose administrative control and direction of free public education on the last day of such fiscal year includes all or any portion of the area of such previously existing local educational agency, shall, provided that (if not already an applicant under the section involved) it files an application in accordance with § 115.11 (a) (3), be entitled to have its eligibility under section 3 (c) (2) or (3), or section 4 (a) (1) and the amount of its entitlement for the entire fiscal year, insofar as such eligibility or entitlement relates to the number of federally connected children, determined in accordance with either of the following, whichever is more favorable to it:

(1) On the basis of the entire area under its jurisdiction on the last day of such years; or

(2) On the basis only of the area acquired by the local educational agency from the previously existing local educational agency: *Provided however*, That this latter basis may be used (i) for an application under section 3 only if a favorable finding has been made (or would have been made in due course but for such change in district organization) on the basis of the estimates required under section 3 (c) (2) or (3), with respect to the previously existing agency, and (ii) for an application under section 4 only if such favorable finding has been made (or would have been made in due course but for such change in district organization) under section 4 (a) (1).

§ 115.21 Payment under section 3 when percentage eligibility requirement is not met.

(a) Pursuant to the exception provision of section 3 (c) (2) (B) of the act, an applicant is not required to meet the 3 percent eligibility requirement of such section (or the 6 percent eligibility requirement specified in section 3 (c) (3), as the case may be) if in either of the two years preceding the year of application the applicant met such percentage requirement and received a net payment under section 3 of the act. In the second year following the year in which the applicant last met the percentage requirement and received a payment, however, the net payment under section 3 shall be reduced by 50 percent.

(b) If an applicant local educational agency was not in existence in either one or both of the two preceding fiscal years, such agency may nevertheless receive the benefit of the provisions of paragraph (a) of this section provided such agency is comprised only of territory which was formerly included in a predecessor agency which met (or predecessor agencies all of which met) the percentage eligibility requirement and received a net payment under section 3 for the same fiscal year of the two fiscal year periods preceding the fiscal year of application.

(c) If a local educational agency, which had timely filed an application under section 3 and was entitled to payment by virtue of paragraph (a) or (b) of this section, ceases to be a legally constituted local educational agency as a result of district reorganization through merger, annexation, consolidation, or other similar action, effective within the fiscal year covered by the application (thereby losing its entitlement as provided in § 115.20 (b)), a successor local educational agency whose administrative control and direction of free public education on the last day of such fiscal year includes all or any portion of the area of such previously existing local educational agency, shall, provided that (unless already an applicant under section 3) it files an application in accordance with § 115.11 (a) (3), be entitled, if it so desires, to have its application processed on the basis of the area acquired from the previously existing local educational agency, and on the basis of the rights of such agency, without regard to the 3 percent requirement.

§ 115.22 Election provision of section 4 (c).

Pursuant to section 4 (c) of the act, a local educational agency may elect to count for eligibility and payment under section 4 (a) the entire increase in the number of children in average daily attendance at its schools during the fiscal year who are otherwise eligible to be counted under section 3. Such election may be made only if an application under section 4 is timely filed on Form RSF-1 in accordance with § 115.11. Such election is not subject to change after, and shall become final upon, the date of final payment for the fiscal year involved.

§ 115.23 Payments.

Payment of the amount which an applicant may receive under the act and this part will be made by the Department of the Treasury upon certification of the amount due at such times as the Commissioner shall designate. The amount so certified for any period may be reduced or increased, as the case may be, by any sum by which the Commissioner finds that the amount paid to the applicant for any prior period, whether or not within the fiscal year, was greater or less than the amount which should have been paid for such prior period.

§ 115.24 Payments of financial assistance under sections 2, 3, and 4 from fiscal year appropriations.

As prescribed by section 5 (c) of the act, if the funds appropriated for a fiscal year are not sufficient to pay in full the total amounts which all applicants whose applications have been considered for

payment pursuant to this part are entitled to receive under sections 2, 3, and 4 of the act or any subsection thereof for such fiscal year, the Commissioner will reduce the amounts which he certifies under section 5 (b) of the act for such fiscal year for payment to each such applicant by the percentage by which the funds so appropriated are less than the total necessary to pay such applicants the full amount which they are entitled to receive under the act and this part.

Subpart D—Generally Comparable Districts; Local Contribution Rate

§ 115.30 Determination of generally comparable school districts.

(a) The Commissioner may determine for a fiscal year the school districts generally comparable to that of an applicant (1) by classification of all school districts in a State into groups based upon a recommendation by the State educational agency made with the consent of all applicants in the State; or (2) by a selection of individual school districts. If the Commissioner has determined that group classifications shall be used in a State no departure therefrom will be permitted in that State for the fiscal year.

(b) The State educational agency for any fiscal year, with the consent of all applicants in the State, may recommend to the Commissioner classification of all school districts in the State into generally comparable groups. The State educational agency should initially establish groups based upon legal classifications or justify the use of another factor as the principal factor. Unless the State educational agency can establish to the satisfaction of the Commissioner that the consideration of additional factors will not result in greater comparability, division into further groups will be required and for the purposes of such further division consideration shall be given to grade level, size as measured by total average daily attendance, geographical size, density of population, industrialization, current revenues, aggregate value of property, and any other relevant factors. In making its recommendations to the Commissioner, the State educational agency will furnish such information as he may require, including information justifying the factors used and financial and attendance data necessary for the computation of per pupil expenditure and local contribution rate. On the basis of the recommendation by the State educational agency, the data furnished and other information which he may obtain, and applying the above criteria, the Commissioner shall determine whether all school districts in the State shall be classified into generally comparable groups and, if so, shall determine such groups.

(c) In a State for which group classifications of generally comparable school districts are not established pursuant to paragraph (b) of this section, an applicant must submit to the Commissioner in its application the names of districts, preferably five in number which it deems generally comparable to the school district of the applicant with all data requested by the Commissioner. The selection by the applicant of such school districts shall be based upon the criteria set forth in paragraph (b) of this section and shall be submitted through the State educational agency for review and comment. The Commissioner's determination will be based upon such criteria and any other relevant factors. The financial, attendance, and other data of the selected districts must be sufficient to justify the selection of such districts as generally comparable and to determine the per pupil expenditures and the local contribution rates in such districts. On the basis of information and data furnished by the applicant, or information otherwise obtained, and applying the above criteria, the Commissioner shall select those school districts, which in number and identity may be different from those submitted by the applicant, which he determines to be generally comparable to the school district of the applicant.

§ 115.31 Computation of local contribution rate in continental United States.

The local contribution rate for an applicant in the continental United States for any fiscal year shall be computed by the Commissioner, after consultation with the State educational agency and the applicant, in the following manner: He shall divide (a) the aggregate current expenditures, during the second fiscal year preceding the fiscal year for which he is making the computation, which the local educational agencies of the school districts, determined to be generally comparable to that of the applicant, made from revenues derived from local sources, by (b) the aggregate number of children in average daily attendance to whom such agencies provided free public education during such second preceding fiscal year. The local contribution rate shall be an amount equal to the quotient so obtained.

§ 115.32 Increase in or special local contribution rate.

(a) Notwithstanding the provision in § 115.31 and in accordance with the provision in section 3 (d) of the act, if the current expenditures in those school districts which the Commissioner has determined to be generally comparable to that of the applicant nevertheless in his judgment are not reasonably comparable for the purposes of section 3 (d) of the act because of unusual geographical factors which affect the current expenditures necessary to maintain in the school district of the applicant a level of education equivalent to that maintained in such other districts, the Commissioner may increase the local contribution rate for such applicant by the amount he determines will compensate the applicant for the increase in current expenditures necessitated by such unusual geographical factors.

(b) In no event shall the local contribution rate for any local educational agency in any State in the continental United States for any fiscal year be less than (1) 50 per centum of the average per pupil expenditure in such State or (2) 50 per centum of the average per pupil expenditure in the continental United States, but not to exceed the average per pupil expenditure in the State. For the purposes of the preceding sentence the "average per pupil expenditure" in a State, or in the continental United States, shall be the aggregate current expenditures, during the second fiscal year preceding the fiscal year for which the computation is made, of all local educational agencies in the State, or in the continental United States, as the case may be (without regard to the sources of funds from which such expenditures are made), divided by the aggregate number of children in average daily attendance to whom such agencies provided free public education during such preceding fiscal year. Notwithstanding the above provisions, if for the fiscal year ending June 30, 1959, the rate based on 50 percent of the fiscal year 1957 average per pupil expenditure in the continental United States (as limited by the fiscal year 1957 State average per pupil expenditure) is less for a particular applicant than the rate determined for the fiscal year 1958 on the basis of the fiscal year 1956 national average per pupil local contribution rate (as limited by the fiscal year 1956 State average per pupil expenditure), the minimum rate determined under subparagraph (2) of this paragraph for the fiscal year 1959 shall be the fiscal year 1956 national average per pupil local contribution rate or the State average per pupil expenditure for the fiscal year 1956, whichever is the lesser.

(c) The local contribution rate for any applicant in Alaska, Hawaii, Puerto Rico, the Virgin Islands, Wake Island, or Guam shall be determined for any fiscal year by the Commissioner in accordance with policies and principles which will, in his judgment, best effectuate the purposes of the act and most nearly approximate the policies and principles provided in the act and this part for determining local contribution rates in other States.

Subpart E—Records and Reports Required by the Commissioner

§ 115.40 Records and reports required of applicants.

(a) Each applicant shall maintain adequate written records to substantiate the Federal connection of pupils forming the basis for claim for financial assistance under any subsection of section 3 or section 4 of the act and this part; and shall make its records available to the Commissioner upon request for the purpose of examination or audit.

(b) Each applicant shall submit such reports and information as the Commissioner may reasonably require to determine the amount which the applicant may be paid under sections 2, 3, or 4 of the act and this part.

§ 115.41 Interim reports.

No payment after the initial payment shall be made to an applicant for a fiscal year until its final report has been filed, except that an applicant desiring an intermediate payment shall file with the Commissioner an interim report on Form RSF 3.

§ 115.55 Reports.

The local educational agency or the Federal department or agency with which such arrangements are made shall make such reports to the Commissioner from time to time as he may require to perform his functions under this act.

§ 115.56 Termination of arrangements.

Arrangements under section 6 shall be limited to providing free public education for not more than one school year. If the Commissioner determines that the local educational agency or the Federal department or agency with which arrangements have been made has substantially deviated from the terms of the arrangements, he shall so notify the local educational agency or the Federal department or agency concerned. If the local educational agency or the Federal department or agency does not within a reasonable time comply with the terms of the arrangements, the Commissioner may terminate such arrangements without further notice.

Dated: December 17, 1958.

[SEAL] L. G. DERTHICK,
United States Commissioner of Education.

Approved: December 29, 1958.

ARTHUR S. FLEMMING,
Secretary of Health, Education, and Welfare.

[F. R. Doc. 58-4; Filed, Jan. 2, 1959; 8:45 a. m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Rules Admts. 7-7, 8-11]

[Docket No. 12592; FCC 58-1242]

PART 7—STATIONS ON LAND IN THE MARITIME SERVICES

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Miscellaneous Amendments

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 23d day of December 1958;

The Commission having under consideration the above captioned matter;

It appearing that in accordance with the requirements of section 4 (a) of the Administrative Procedure Act, notice of proposed rule making in this matter, which made provision for the submission of written comments by interested parties, was published in the FEDERAL REGISTER on September 11, 1958 (23 F. R. 7046), and the period for filing comments has now expired; and

It further appearing that the West Coast Telephone Company, Everett, Washington, and the Port of Coos Bay, Coos Bay, Oregon, filed comments in support of the amendments proposed and no other comments or objections to the proposal were received; and

It further appearing that a further notice of proposed rule making proposing that a non-interference requirement be associated with the availability of the ship radiotelephone frequency 2031.5 kc was duly published in the FEDERAL REGISTER on November 13, 1958 (23 F. R. 8824), and the period for filing comments in response to the further notice has now expired; and

It further appearing that West Coast Telephone Company and Port of Coos Bay both filed comments in support of the further proposal and no other comments or objections to the further proposal were received; and

It further appearing that the public interest, convenience and necessity will be served by the amendments herein ordered, the authority for which is contained in the original notice of proposed rule making in this docket;

It is ordered, That, effective February 2, 1959, Parts 7 and 8 of the Commission's rules are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: December 29, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

A. Part 7 is amended as follows:

1. In § 7.306(b), that portion of the frequency table in this paragraph which lists Astoria-Portland, Oregon, is amended by deleting the frequency pair 2566 kc (coast)—2009 kc (ship). As amended, that portion of the frequency table reads as follows:

Astoria-Portland, Oreg.	2598	None	2206	None.

2. In § 7.306 (b), in the frequency table in this paragraph, after the entry Astoria-Portland, Oregon, add a new location and frequencies as follows:

Coos Bay, Oreg...	2566	7 a. m. to 7p. m., P. s. t., only	2031.5	7 a. m. to 7 p. m., P. s. t., only, on condition that no harmful interference will be caused to any service or any station which in the discretion of the Commission may have priority on the frequency or frequencies used for the service to which interference is caused.

B. Part 8 is amended as follows:

1. In § 8.354 (a) (1), that portion of the frequency table in this paragraph which lists Astoria-Portland, Oregon, is amended by deleting the frequency pair 2009 kc (ship)-2566 kc (coast). As amended, that portion of the frequency table reads as follows:

Astoria Portland, Oreg.	2206	None	2598	None.

2. In § 8.354 (a) (1), in the frequency table in this paragraph, after the entry Astoria-Portland, Oregon, add a new location and frequencies as follows:

Coos Bay, Oreg...	2031.5	7 a. m. to 7 p. m., P. s. t., only; on condition that no harmful interference will be caused to any service or any station which in the discretion of the Commission may have priority on the frequency or frequencies used for the service to which interference is caused.	2566	7 a. m. to 7 p. m., P. s. t. only.

[F. R. Doc. 59-40; Filed, Jan. 2, 1959; 8:50 a. m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Fourth Section Order 18900, Amdt.]

PART 143—LONG-AND-SHORT-HAUL AND AGGREGATE-OF-INTERMEDIATES RATES

Postponement of Effective Date

At a session of the Interstate Commerce Commission, Fourth Section Board, held at its office in Washington, D. C., on the 18th day of December, A. D. 1958.

Upon further consideration of the matters and things involved in fourth-section order No. 18900, entered by Division 2 on April 11, 1958, and upon consideration of a petition dated December 12, 1958, filed by R. E. Boyle, Jr., Chairman, Southern Freight Association, T. H. Maguire, Chairman, Executive Committee-Western Traffic Association, and E. V. Hill, Chairman, Traffic Executive Association-Eastern Railroads, for modification of fourth-section order No. 18900, which order and petition are hereby referred to and made a part hereof, and for good cause shown:

It is ordered, That fourth-section order No. 18900 (23 F. R. 2969), entered as aforestated, be, and it is hereby modified and amended so as to provide that the order, which by its present terms is to become effective on December 31, 1958, shall become effective on June 30, 1959, instead.

It is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission

at Washington, D. C., and by filing it with the Director, Federal Register Division.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12)

By the Commission, Fourth Section Board.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 59-5; Filed, Jan. 2, 1959; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 911, 982, 1026]

[Dockets Nos. AO-262-A5, AO-238-A9, AO-311]

MILK IN TEXAS PANHANDLE; CENTRAL WEST TEXAS AND LUBBOCK, TEXAS

Proposed Marketing Agreements and Proposed Orders

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Comanche Room of the Caprock Hotel in Lubbock, Texas, beginning at 10:00 a. m., c. s. t., on January 26, 1959.

The public hearing is for the purpose of receiving evidence with respect to economic and marketing conditions which relate to the handling of milk in the Lubbock, Texas, marketing area, the Central West Texas marketing area, and the Texas Panhandle marketing area, and to the alternative possibilities of expanding the present Central West Texas or Texas Panhandle marketing areas or of issuing a separate order to regulate the handling of milk in the Lubbock, Texas, marketing area, which area might include all or a portion of the area proposed to be added to either the Central West Texas or the Texas Panhandle marketing areas.

This public hearing is for the purpose of receiving evidence with respect to economic and marketing conditions, which relate to the proposed marketing agreement and order proposals, hereinafter set forth, and any appropriate modifications thereof; and for the purpose of determining (1) whether the handling of milk in the additional area proposed for regulation is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects interstate or foreign commerce, (2) whether there is need for a marketing agreement or order regulating the handling of milk in such area, and (3) whether provisions specified in the proposals or some other provisions appropriate to the terms of the Agricultural Marketing Agreement Act of 1937, as amended, will tend to effectuate the declared policy of the Act.

The proposals set forth below have not received the approval of the Secretary of Agriculture.

Proposed by the Central West Texas Producers Association:

Proposal No. 1. Amend § 982.6 to include the following cities: Farwell, Dimmit, Tulia, Silverton, Quitaque, Muleshoe, Earth, Olton, Sudan, Amherst, Littlefield, Plainview, Hale Center, Petersburg, Abernathy, Starley, Lockney, Floydada, Matador, Anton, Morton, Levelland, Idalou, Lubbock, Lorenzo, Ralls, Crosbyton, Dickens, Plains, Brownfield, Wilson, Tahoka, Post, Clairemont, and the Lubbock (Reese) Airforce Base, all in the State of Texas.

Proposal No. 2. Amend § 982.15 to read as follows:

§ 982.15 Base milk.

"Base milk" means milk received from a producer by a handler during any of the months of March through June which is not in excess of such producer's daily average base computed pursuant to § 982.80 multiplied by the number of days in such month.

Proposal No. 3. Amend §§ 982.52 and 982.91 to provide for a location differential to handlers and producers for milk received at an approved plant located in any of the cities specified in Proposal No. 1 above, equal to the location differentials now effective for approved plants located within seventy (70) miles of the United States Post Office in Midland, Texas.

Proposal No. 4. Amend § 982.7 by deleting the 15 percent qualification standard contained in paragraph (b) thereof.

Proposal No. 5. Make such conforming changes in other provisions of the order as may be necessary to effectuate the intent of the above proposed amendments.

Proposed by the North Texas Producers Association:

Proposal No. 6. Amend § 911.6 to read as follows:

§ 911.6 Texas Panhandle Marketing Area.

"Texas Panhandle Marketing Area," hereinafter called "marketing area" means all the territory within the counties of Armstrong, Bailey, Briscoe, Carson, Castro, Cochran, Crosby, Dallam, Deaf Smith, Donley, Floyd, Garza, Gray, Hall, Hale, Hansford, Hurtley, Hemphill, Hockley, Hutchinson, Lamb, Lubbock, Lynn, Moore, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Terry, Wheeler, and Yoakum all in the state of Texas and Beckham in the state of Oklahoma.

Proposal No. 7. Amend § 911.53 to read as follows:

§ 911.53 Location differentials to handlers.

For that milk which is received from producers at a pool plant located east of the 100° principal meridian and 100 miles or more from the City Hall, Amarillo, Texas, by the shortest hard-surfaced highway distance, as determined by the market administrator, and which is transferred to a distributing plant which is a pool plant in the form of a fluid milk product and assigned to Class I pursuant to the proviso of this section, or otherwise classified as Class I milk, the price specified in § 911.51 (a) shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such milk is received from producers:

Distance from Amarillo City Hall (miles):	*Rate per hundredweight (cents)*
100 but less than 110	10.0
For each additional 10 miles or fraction thereof an additional	1.5

Provided, That any milk which is received from producers at a pool plant located within 50 highway miles of the United States Post Office in Lubbock, Texas, the price specified in § 911.51 (a) shall be increased 25 cents. *And provided further,* That for the purpose of calculating such location differential, fluid milk products which are transferred between pool plants shall be assigned to any remainder of Class II milk in the transferee-plant after making the calculations prescribed in § 911.46 (a) (5) and the comparable steps in § 911.46 (b) for such plant, such assignment to transferor plants to be made in sequence according to the location differential applicable at each plant, beginning with the plant having the largest differential.

Proposal No. 8. Amend § 911.82 to read as follows:

§ 911.82 Location differentials to producers.

In making payment pursuant to § 911.80 the uniform price pursuant to § 911.72 and the uniform price for base milk pursuant to § 911.73 to be paid for milk which is received from producers at a pool plant located east of the 100° principal meridian and 100 miles or more from the City Hall, Amarillo, Texas, by the shortest hard-surfaced highway distance as determined by the market administrator shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such milk is received from producers:

Distance from Amarillo City Hall (miles):	*Rate per hundredweight (cents)*
100 but less than 110	10.0
For each additional 10 miles or fraction thereof an additional	1.5

Provided, That in making payment pursuant to § 911.80 the uniform price to § 911.72 and the uniform price for base milk pursuant to § 911.73 to be paid for milk which is received from producers at a pool plant located within 50 highway miles of the United States Post Office in Lubbock, Texas, by the shortest hard-surfaced highway distance as determined by the market administrator shall be increased 25 cents.

Proposed by the Borden Company, Midland, Texas:

Proposal No. 9. Amend § 982.6 by adding to the cities listed therein the following:

Andrews, Kermit, Monahans, Pecos, and Wink.

Proposed by the Borden Company, Abilene, Texas:

Proposal No. 10. Amend § 982.50 to provide that the Class I price shall be the price established under Order No. 86, regulating the handling of milk in the Red River Valley marketing area, plus 15 cents.

Proposed by the Borden Company, Lubbock, Texas:

Proposal No. 11. Amend § 911.6 to include Gaines County, Texas, or amend § 982.6 to include the cities of Whiteface, Sundown, Denver City, Seagraves, O'Donnell, and Seminole, all in the state of Texas.

Proposal No. 12. Amend § 911.10 (a) by deleting the 15 percent qualification standard provided therein.

Proposed by Bell Dairy Products, Inc.:

Proposal No. 13. Amend § 911.6 to include the counties of Gaines, Andrews, Martin, Kent, Dickens, and Motley, all in the state of Texas, or

Proposal No. 14. Amend § 982.6 to include the cities of Slaton, Sundown, Seagraves, Denver City, Lockney, O'Donnell, Seminole, Spur, and Whiteface, and the Reese Air Force Base, all in the state of Texas.

Proposal No. 15. Provide that the Class I price at Lubbock be the same as that at Amarillo if Lubbock is added to the Texas Panhandle marketing area, or

Proposal No. 16. Provide that the Class I price at Lubbock be the same as that at Abilene if Lubbock is added to the Central West Texas marketing area.

Proposal No. 17. Amend § 911.10 (a) by deleting the 15 percent qualification standard provided therein.

Copies of this notice may be procured from the market administrator of the Central West Texas marketing area, P. O. Box 35225, Airlawn Station, Dallas, Texas, or the market administrator of the Texas Panhandle marketing area, P. O. Box 226, Amarillo, Texas, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 30th day of December, 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 59-37; Filed, Jan. 2, 1959; 8:49 a. m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[46 CFR Part 298]

FEDERAL SHIP MORTGAGE AND LOAN INSURANCE

Notice of Extension of Time

Notice is hereby given that the time in which persons may submit data, views, or arguments in connection with the proposed amendment to the regulations under this part, which appeared in the FEDERAL REGISTER issue of December 20, 1958 (23 F. R. 9840), is extended to January 16, 1959.

Dated: January 2, 1959.

By order of the Maritime Administrator.

JAMES L. PIMPER,
Secretary.

[F. R. Doc. 59-111; Filed, Jan. 2, 1959; 10:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 12]

[Docket No. 12719; FCC 58-1241]

AMATEUR RADIO SERVICE

Additional Frequencies

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission has before it for consideration a petition filed by the United States Civil Defense Amateur Radio Alliance which seeks amendment of § 12.231 (a) (1) of the Commission's rules so as to make additional portions of the amateur frequency bands available for use by amateur stations authorized to operate in the Radio Amateur Civil Emergency Service (RACES).

3. The petitioner proposes that § 12.231 (a) (1) be amended to provide:

(1) For use only by authorized stations or units of such stations which are operated under the direct supervision of duly designated and responsible officials of the civil defense organization:

Frequency band:	*Authorized emission*
1800–1825 kc [1]_____	0.1A1, 6A3, 1.1F1.
1875–1900 kc * [1]____	0.1A1, 6A3, 1.1F1.
1900–1925 kc * [1]____	0.1A1, 6A3, 1.1F1.
1975–2000 kc [1]_____	0.1A1, 6A3, 1.1F1.
3500–3550 kc_____	0.1A1, 1.1F1.
3950–4000 kc_____	0.1A1, 1.1F1, 6A3, 6F3.
7000–7050 kc_____	0.1A1, 1.1F1.
7250–7300 kc_____	0.1A1, 1.1F1, 6A3, 6F3.
14000–14025 kc____	0.1A1, 1.1F1.
14275–14300 kc____	0.1A1, 1.F1, 6A3, 6F3.

* This band was deleted by Commission order of April 9, 1958, effective May 10, 1958, (FCC 58-345) published in the FEDERAL REGISTER April 15, 1958 (23 F. R. 2425).

[1] Use of frequencies in the band 1800–2000 kc is subject to the priority of the Loran system of radionavigation in this band and to the geographical, frequency, emission, and power limitations contained in § 12.111 of the rules governing amateur radio stations and operators (Subpart A of this part). The use of these frequencies by stations authorized to be operated in the Radio Amateur Civil Emergency Service shall not be a bar to expansion of the radionavigation (Loran) service, and such use shall be considered temporary in the sense that it shall remain subject to cancellation or to revision, in whole or in part, without hearing, whenever the Commission shall deem such cancellation or revision to be necessary or desirable in the light of the priority within this band of the Loran system of radionavigation.

4. Statements in support of the proposal include:

(a) (Four years of endeavoring to operate Radio Amateur Civil Emergency Service networks on channels in the 3500–3510- and 3990–4000-kilocycle frequency bands, confirm the fact that propagation characteristics of signals at the 3.5- and 4-megacycle frequencies do not permit communications over many of the distances required.

(Communications for civil defense operations are not limited to statewide coverage. A vital need exists for inter-state coverage within Federal Civil Defense Administration regions to ensure adequate communications; and the same need exists for inter-region communications. A recent analysis of currently approved RACES plans clearly establishes that numerous paths of over 400 miles are involved in the intrastate and regional communications requirements.)

(b) (There have been occasions on which RACES operations were scheduled but could not be conducted because it was impossible to maintain communications over paths of 400 miles or more with the limited RACES frequencies now available. Had RACES channels in the 7- and 14-megacycle region been available, communications could have been maintained.

(To fulfill the existing needs, and to adhere to the original policy of allocating portions of the amateur bands to transmit necessary intelligence during civil defense operations, additional high frequencies are required. The most feasible solution to the problem would appear to be that of making available portions of the 14- and 7-megacycle amateur bands for this purpose as RACES continues to expand.)

(c) (* * * the interference problem plaguing RACES communications efforts, in addition to preventing execution of RACES responsibilities, also constitutes a very real and serious threat to the interest of the radio amateur. If the radio amateur is to be asked to accept a responsibility, the necessary frequencies must be furnished to him. Physically, equipment can, in most cases, be made available, but it is all too frequently made ineffective for lack of spectrum space in which to use it. On the basis of the RACES growth trend, * * * further aggravation of the long-range communications problem must be anticipated.)

5. The Commission believes that some expansion of frequency space for the RACES is justified. Accordingly, having consulted with interested government agencies on the matter, the Commission proposes to effectuate the purpose of the petitioner's proposals so far as possible by means of the rules set forth below.

6. The proposed amendments are issued pursuant to the authority contained in sections 4 (i) and 303 of the Communications Act of 1934 (57 U. S. C. 154, 303).

7. Any interested person who is of the opinion that the proposed amendments should not be adopted or should not be adopted in the form set forth herein, may file with the Commission on or before February 27, 1959, written data, views or briefs setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Comments in reply to the original comments may be filed within ten days from the last day for filing said original data, views or briefs. The Commission will consider all such comments prior to taking final action in this matter.

8. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and fourteen copies of all statements, briefs or com-

ments filed shall be furnished the Commission.

Adopted: December 23, 1958.

Released: December 29, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

It is proposed to amend Part 12, Amateur Radio Service, as follows:

1. Section 12.231 (a) is amended to read as follows:

§ 12.231 Frequencies available.

(a) The following tabulation indicates the frequencies and frequency bands, within the regularly allocated amateur frequency bands, which are available for use by stations in the Radio Amateur Civil Emergency Service. These frequencies and frequency bands may be used, on a non-exclusive basis, by the classes of radio amateur civil emergency stations or units of such stations indicated, and only with the types of emission shown in the right-hand column.

(1) For use only by authorized stations or units of such stations which are operated under the direct supervision of duly designated and responsible officials of the civil defense organization:

Frequency ban:	*Authorized emission*
1800–1825 kc [1]	0.1A1, 1.1F1, 6A3.
1975–2000 kc [1]	0.1A1, 1.1F1, 6A3.
3500–3510 kc	0.1A1, 1.1F1.
3990–4000 kc	0.1A1, 1.1F1, 6A3, 6F3.

[1] Use of frequencies in the band 1800–2000 kc is subject to the priority of the Loran system of radionavigation in this band and to the geographical, frequency, emission, and power limitations contained in § 12.111. The use of these frequencies by stations authorize to be operated in the Radio Amateur Civil Emergency Service shall not be a bar to expansion of the radionavigation (Loran) service, and such use shall be considered temporary in the sense that it shall remain subject to cancellation or to revision, in whole or in part, without hearing, whenever the Commission shall deem such cancellation or revision to be necessary or desirable in the light of the priority within this band of the Loran system of radionavigation.

(2) For use by all authorized stations in the continental United States only:

Frequency ban:	*Authorized emission*
3510–3516 kc	0.1A1, 1.1F1.
3516–3550 kc [1]	0.1A1, 1.1F1.
3984–3990 kc	0.1A1, 1.1F1, 6A3, 6F3.
7097–7103 kc	0.1A1, 1.1F1.
7103–7125 kc [1]	0.1A1, 1.1F1.
7245–7255 kc [1]	0.1A1, 1.1F1.
7245–7255 kc [1]	0.1A1, 1.1F1, 6A3, 6F3.
14047–14053 kc	0.1A1, 1.1F1.
14220–14230 kc [1]	0.1A1, 1.1F1, 6A3, 6F3.
21047–21053 kc	0.1A1, 1.1F1.

[1] The availability of the frequency bands 3516–3550 kc, 7103–7125 kc, 7245–7247 kc, 7253–7255 kc, 14220–14222 kc and 14228–14230 kc for use during periods of actual civil defense emergency is limited to the initial 30 days of such emergency, unless otherwise ordered by the Commission.

(3) For use by all authorized stations:

Frequency or frequency bands:	*Authorized emission*
3997 kc [1]	0.1A1, 6A3.
28.55–28.75 Mc	0.1A1, 6A3, 6A4, 6F3.
29.45–29.65 Mc	0.1A1, 1.1F1, 6A3, 6A4, 40F3.
50.35–50.75 Mc	0.1A1, 6A2, 6A3, 6A4, 6F3.
53 30 Mc [1]	40F3.
53.35–53.75 Mc	0.1A1, 1.1F1, 6A2, 6F2, 6A3, 6A4, 40F3.
145.17–145.71 Mc	0.1A1, 1.1F1, 6A2, 6A3, 6A4, 40F3.
146.79–147.33 Mc	0.1A1, 1.1F1, 6A2, 6F2, 6A3, 6A4, 40F3.
220–225 Mc	0.1A1, 1.1F1, 6A2, 6F2, 6A3, 6A4, 40F3.

[1] For use in emergency areas when required to make initial contact with military units; also, for communication with military stations on matters requiring coordination.

[F. R. Doc. 59–41; Filed, Jan. 2, 1959; 8:51 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[474 86]

ARTICLE COMPOSED OF SYNTHETIC FIBER BRAID USED IN MAKING CHIGNONS OR HAIR ROLLS

Notice of Proposed Tariff Classification

DECEMBER 29, 1958.

It appears that certain doughnut shaped articles composed of synthetic fiber braid and used in putting up chignons or hair rolls are properly classifiable under paragraph 1529 (a) (15), Tariff Act of 1930, as modified, as articles wholly or in part of a product provided for in paragraph 1529 (a), namely, braid suitable for making or ornamenting bonnets, hats, or hoods, but not described elsewhere in paragraph 1529 (a), dutiable at the rate of 50 percent ad valorem.

Pursuant to § 16.10a (d) of the Customs regulations (19 CFR 16.10a (d)), notice is hereby given that the existing practice of classifying this merchandise under paragraph 1529 (a) (11), as modified, as articles in part of braids not suitable for making or ornamenting bonnets, hats, or hoods, but not in part of lace and not ornamented, dutiable at the rate of 42½ percent ad valorem, is under review in the Bureau.

Consideration will be given to any relevant data, views, or arguments pertaining to the correct classification of this merchandise which are submitted to the Bureau of Customs, Washington 25, D. C., in writing. To assure consideration, such communications must be received in the Bureau not later than 30 days from the date of publication of this notice. No hearings will be held.

[SEAL] C. A. EMERICK,
Acting Commissioner of Customs.

[F. R. Doc. 59–13; Filed, Jan. 2, 1959; 8:46 a. m.]

POST OFFICE DEPARTMENT

ARGENTINA

Import Restrictions

The customs authorities of Argentina now prohibit the importation by mail of new ready-made clothing and fabrics.

Used clothing may be sent if cleaned or disinfected and accompanied by a legalized statement to that effect as prescribed in "Observations" of the item "Argentina—Parcel Post" in the Directory of International Mail.

(R.S. 161, as amended, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372)

[SEAL] HERBERT B. WARBURTON,
General Counsel.

[F. R. Doc. 59–32; Filed, Jan. 2, 1959; 8:48 a.m.]

ARGENTINA

Import Prohibition of Currency and Values Payable to Bearer

The postal administration of Argentina has advised that banknotes, coins and values payable to bearer may not be sent to that country by postal union mail or parcel post. The prohibition does not apply to checks or other instruments payable to a specific person or firm.

(R. S. 161, as amended, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372)

[SEAL] HERBERT B. WARBURTON,
General Counsel.

[F. R. Doc. 59–33; Filed, Jan. 2, 1959; 8:49 a. m.]

BRAZIL

Import Restrictions

The import regulations now in effect in Brazil allow only books and magazines in single copies mailed as printed matter to be admitted as gifts free of duty and without import permits. Other commodities, even if sent as gifts and regardless of their value, are subject to customs duty equal to or higher than their value. Also, they must be accompanied by Brazilian import permits which the addressee must obtain in advance in each case and send to the mailer to be enclosed in the parcel. To be admitted as gifts, parcels must be addressed to individuals, not to firms.

Gift parcels valued over $25 and all commercial parcels must also be accompanied by commercial shipping documents which the sender must have legalized by a Brazilian consulate at a fee of $12. Brazilian consulates are located in the following cities:

Baltimore, Md.	Los Angeles, Calif.
Boston, Mass.	Miami, Fla.
Charleston, S. C.	New Orleans, La.
Chester, Pa.	New York, N. Y.
Chicago, Ill.	Norfolk, Va.
Dallas, Tex.	Philadelphia, Pa.
Galveston, Tex.	San Francisco, Calif.
Houston, Tex	San Juan, P. R.
Jacksonville, Fla.	Seattle, Wash.

If parcels are found on arrival in Brazil to be in violation of any of the import regulations, they will be withheld from delivery and the addressees may be required to pay fines in addition to the customs duty.

Persons desiring to mail parcels to Brazil should be informed of the foregoing, and advised to refrain from mailing unless they are assured that the addressees will be permitted to take delivery. Further information concerning the Brazilian import regulations and rates of duty for particular commodities may be obtained from the American Republics Division, Bureau of Foreign Commerce, Department of Commerce, Washington 25, D. C., or from any field office of that Department.

(R. S. 161, as amended, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372)

[SEAL] HERBERT B. WARBURTON, *General Counsel.*

[F. R. Doc. 59-34; Filed, Jan. 2, 1959; 8:49 a. m.]

ISRAEL

Postal Union Mail; Import Restrictions

The postal authorities of Israel have advised that numerous parcels requiring import licenses cannot be delivered because the addressees do not have such licenses. Addressees in Israel are required to obtain import licenses in order to take delivery of all parcels except gift parcels of the following categories:

(a) Containing food exclusively, for the addressee's personal consumption.

(b) Containing other articles, limited to $112 in value for the addressee's personal use. One family residing together may not receive more than one parcel within 3 months. Postage stamps, cigarettes, playing cards, electric heaters, pneumatic tires, and radios other than portable are not admitted.

(c) Containing personal effects of persons emigrating to Israel.

Parcels not complying with the foregoing provisions will be confiscated or subjected to fines by the Israeli authorities, unless the addressees possess import licenses.

The Israeli authorities now state that the import licenses, when required, must be obtained by the addressees before the parcels arrive.

(R. S. 161, as amended, 396, as amended, 398, as amended, 5 U. S. C. 22, 369, 372)

[SEAL] HERBERT B. WARBURTON, *General Counsel.*

[F. R. Doc. 59-35; Filed, Jan. 2, 1959; 8:49 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

SUGAR BEETS

Notice of Hearings on 1959 Crop Wages and Prices and Designation of Presiding Officers

Pursuant to the authority contained in subsections (c) (1) and (c) (2) of section 301 of the Sugar Act of 1948, as amended (61 Stat. 929; 7 U. S. C. Sup. 1131), and in accordance with the rules of practice and procedure applicable to wage and price proceedings (7 CFR 802.1 et seq.), notice is hereby given that public hearings will be held as follows:

At Detroit, Michigan, January 21, 1959, in Room 859, Federal Building, at 10:00 a. m.;

At Fargo, North Dakota, January 23, 1959, in the Student Lounge, Library Building, North Dakota Agricultural College, at 10:00 a. m.;

At Greeley, Colorado, January 26, 1959, in the Camfield Hotel, at 10:00 a. m.;

At Salt Lake City, Utah, January 28, 1959, in the Waters Room, Newhouse Hotel, at 10:00 a. m.;

At Berkeley, California, January 30, 1959, in the Farm Credit Basement meeting room, 2180 Milvia Street, at 10:00 a. m.

The purpose of these hearings is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining (1), pursuant to the provisions of section 301 (c) (1) of the Act, fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugar beets for the 1959 crop on farms with respect to which applications for payments under the Act was made, and (2), pursuant to the provisions of section 301 (c) (2) of the Act, fair and reasonable prices for the 1959 crop of sugar beets to be paid under purchase or toll agreements by producers who process sugar beets grown by other producers and who apply for payments under the Act.

In order to obtain the best possible information, the Department requests that all interested parties appear at the hearings to express their views and to present appropriate data with respect to all points relative to the subject matter of the hearings.

The hearings after being called to order at the times and places mentioned herein, may be continued from day to day within the discretion of the presiding officers and may be adjourned to a later day or to a different place without notice other than the announcement thereof at the hearings by the presiding officers.

A. A. Greenwood and Ward S. Stevenson are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearings.

Issued this 30th day of December 1958.

[SEAL] LAWRENCE MYERS, *Director, Sugar Division.*

[F. R. Doc. 59-38; Filed Jan. 2, 1959; 8:50 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBER LINES OF TRANS-PACIFIC FREIGHT CONFERENCE

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 14-15, between the member lines of the Trans-Pacific Freight Conference (Hong Kong), modifies the basic agreement of that conference (No. 14-1, as amended), which covers the trade from or via certain specified ports in the Orient to Vancouver and Victoria, B. C., Seattle and Tacoma, Wash., Portland, Oreg., San Francisco, Long Beach and Los Angeles Harbor, Calif., and Honolulu, T. H., or via such Pacific Coast ports to overland points in the United States and Canada. The purpose of the modification is to include San Diego, Calif., within the group of Pacific Coast ports of discharge presently named in the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: December 30, 1958.

By order of the Federal Maritime Board.

[SEAL] GEO. A. NIEHMANN, *Assistant Secretary.*

[F. R. Doc. 59-25; Filed, Jan. 2, 1959, 8:47 a. m.]

Office of the Secretary

EDMUND W. DUGAN

Report of Appointment and Statement of Financial Interests

Correction

In Federal Register Document 58-10648, appearing on page 10390 in the issue for Thursday, December 25, 1958, items 4 and 5 under "Report of Appointment" should read as follows:

4. Title of position: Assistant Director, General Industrial Equipment and Components Division.

5. Name of private employer. Chemetron Corporation, Girdler Catalysts, Chemical Products Div., P. O. Box 337, Louisville, Kentucky.

CIVIL AERONAUTICS BOARD

CIVIL AIR REGULATIONS DRAFT RELEASES

DECEMBER 30, 1958.

On December 31, 1958, all provisions of the Federal Aviation Act, P. L. 85-726, become effective. From that day on, therefore, the safety rule-making function which the Civil Aeronautics Board has exercised under Title VI of the Civil Aeronautics Act will be exercised by the Administrator of the Federal Aviation Agency.

Notices of safety rule-making heretofore issued by the Board or the Director, Bureau of Safety, under authority delegated by the Board, which have not been

used as the basis for promulgation of a civil air regulation by the Board, remain available for such action by the new Administrator. Several such notices, recently issued, gave notice that comments thereon by interested persons should be submitted to the Board or its Bureau of Safety on or before dates subsequent to December 30, 1958. The aforementioned notices, therefore, are hereby amended to provide that comments thereon submitted after December 30, 1958 should be addressed to the Administrator of the Federal Aviation Agency. However, the Board will forward to the Administrator any comments received by it before or after that date. Persons interested in examining the comments submitted on such notices should inquire of the Administrator of the Federal Aviation Agency regarding the time and place therefor.

By the Civil Aeronautics Board.

[SEAL] MABEL McCART,
Acting Secretary.

[F. R. Doc. 59-53; Filed, Jan. 2, 1959; 8.52 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11932; FCC 58-1226]

NEW JERSEY EXCHANGES, INC.

Memorandum Opinion and Order Reopening Record for Further Hearing on Stated Issues

In the matter of the application of New Jersey Exchanges, Inc., Docket No. 11932, File No. 2379-C2-P-56; for a construction permit to establish a new station for two-way communications in the Domestic Public Land Mobile Radio Service at Ridgewood, New Jersey.

1. The Commission has for consideration a petition for official notice of the bankruptcy of a corporation which was to supply equipment to the applicant, filed by the protestant, Telephone Secretarial Services, Inc., on February 13, 1958, together with pleading filed in response thereto.

2. The matter may be more easily understood by a brief resumé of the proceeding to date. On December 5, 1956, the Commission granted without hearing the application of New Jersey Exchanges, Inc. for a permit to construct a station to provide a new two-way service in the Domestic Public Land Mobile Radio Service at Ridgewood, New Jersey. On January 7, 1957, Telephone Secretarial Services, Inc., licensee of Station KEA 263, a two-way facility in the Domestic Public Land Mobile Radio Service at Newark, New Jersey, filed a protest under section 309 (c) of the Communications Act of 1934, as amended. By Memorandum Opinion and Order released February 11, 1957, the Commission found protestant to be a party in interest and designated the protest for hearing on a number of issues, including one as to the financial qualifications of the applicant.

3. The hearing disclosed that, due to the fact it presently operates a telephone answering service which it would continue to operate in conjunction with the proposed service, New Jersey Exchanges' only estimated cost in getting on the air would be the cost of equipment procurement, and Exchanges produced a letter from Link Radio Corporation stating that it would sell the proposed equipment for $7,950, and "will finance the procurement of this radio equipment over a 24-month period." As a collateral financial showing, New Jersey Exchanges submitted the following balance sheet as of March 31, 1956: [1]

ASSETS	
Cash in bank	[2] $264 25
Fixtures and equipment	1,000.00
Goodwill	[3] 30,000.00
Due from Officer (J. F. Reilly)	[4] 6,250.00
Accounts receivable	1,718.98
LIABILITIES	
Notes payable—J. Capelli	[5] 5,800 00
Notes payable—L Reich	[6] 780 00
Accrued expenses and taxes	700.00

4. In addition to the foregoing, applicant represented in an amendment to its application that its stockholders stand ready to advance such additional sums as may be needed for the establishment of the proposed facility, and it furnished the sworn financial statements of Arthur Capelli and Leo L. Reich showing them to have respective net worths of $7,500.00 and $3,400.00. However, the assurance of the availability of funds was made by Mr Reilly, who offered no showing of his ability to advance funds, and Mr. Capelli and Mr. Reich, who offered financial statements, submitted no commitments to advance funds. Therefore, the representation that the stockholders will advance such funds as may be needed cannot be considered in determining the applicant's financial qualifications.

5. Despite weaknesses in the foregoing showing, it would be possible to conclude that Exchanges, which operates an established telephone answering service and would continue to operate such service in conjunction with its proposed radio service, is financially qualified to construct its proposed service and operate it for a reasonable period of time. However, the subject petition for official notice raises a question as to the availability of equipment at the prices and on the terms proposed by the applicant. The petition alleges that on July 27, 1957, Link Radio Corp, filed a petition in bankruptcy in the United States District Court for the Eastern District of New York, and that on August 28, 1957, pursuant to the order of the referee in bankruptcy, Link Radio contracted to sell its entire mobile radio manufacturing business to Young Spring and Wire Corporation.[7] On the basis of the foregoing, petitioner asks us to infer that the proposed equipment is no longer available to Exchanges at the price and terms proposed in the application, and, therefore, that Exchanges cannot be found financially qualified.

6. The Common Carrier Bureau in its opposition has argued that the instant petition is an improper vehicle for the presentation of this question, and that petitioner should more properly have filed a petition to enlarge issues. The applicant has filed no comments.

7. The bankruptcy of the Link Radio Corporation appears to have a direct bearing upon one of the basic issues herein, i. e., applicant's financial qualifications; therefore, were we to take official notice of the facts requested by petitioner, it would be necessary to afford applicant an opportunity to controvert them.[8] The better procedure under the circumstances of this case, would be to reopen the record for further hearing to determine applicant's financial qualifications in view of the bankruptcy of Link. Such a procedure does not give unfair advantage to the applicant. This is a protest proceeding and events transpiring subsequent to the closing of the record, and not within the control of the applicant, have served to cast doubt on the facts of record and on the applicant's showing of financial qualifications. At the further hearing, under the circumstances, the applicant would have the opportunity of amending, if in fact his original proposal is no longer feasible of performance, to show the measures he proposes in substitution of his original proposal. Great Lakes Television, Inc., 13 RR 718.

Accordingly, it is ordered, That the Petition for Official Notice, filed by Telephone Secretarial Services, Inc., on February 13, 1958, is denied;

It is further ordered, On the Commission's own motion, that the record in this proceeding is Reopened and the matter

[1] The balance sheet was submitted as an exhibit to the application, and the application was admitted into evidence over objection of the protestant. It is unnecessary for us to determine the evidentiary value of the application, insofar as the balance sheet is concerned, for the protestant thereafter examined applicant's president, both generally and specifically, on the accuracy of the balance sheet, and the witnesses' answers thereto constituted testimonial affirmation of the matters and things set forth in the balance sheet as modified by the said testimony.

[2] Mr Reilly testified that there was "more than $2 000 in the bank at the time of the hearing

[3] This sum is based on Mr Reilly's valuation of the business There is no evidence of any offer having been made to purchase the business at such sum or of any independent appraisal of the business In any event, this item cannot be regarded as a liquid asset, and, as there was no commitment to dispose of it for cash, it cannot be utilized in ascertaining the applicant's qualifications to raise any sums needed to construct its proposed station

[4] Mr Reilly testified that he is paying off this obligation, but the record does not disclose the amount or rate of repayment. There is no showing of Mr. Reilly's personal financial condition or that this sum, or any part of it, would be available to meet immediate cash requirements.

[5] Mr Reilly testified that this note is being paid off at the rate of $140 per month including an unspecified amount of interest. The record does not show the net indebtedness on this note at the time of hearing

[6] Mr Reilly testified that this note had been paid off at the time of hearing.

[7] The petition is accompanied by exhibits consisting of copies of the Link Radio petition in bankruptcy and the Link Radio-Young Spring and Wire contract

[8] Administrative Procedure Act, section 7 (d)

application would serve the public interest.

3. The Bureau states in its petition that in a pre-hearing conference held October 7, 1958, it was agreed by all parties to the proceeding that evidence with respect to areas and populations within the 50 mv/m and 1 mv/m contours of the station proposed by Santa Monica Broadcasting and the availability of other FM services to such areas and populations is necessary for a determination as to whether the proposal would be in compliance with § 3.313 (c) of the Commission's rules and the ultimate determination of whether grant of the application would be in the public interest.

4. All parties to the proceeding agree that the requested issue is necessary to reach an ultimate determination in this proceeding.

Accordingly, it is ordered, This 23d day of December 1958, that the petition to enlarge issues filed by the Broadcast Bureau is granted and Issues Nos. 2 and 3 in the above-entitled proceeding are renumbered 3 and 4 and the hearing issues are enlarged to include as Issue No. 2, the following: To determine the area and population within the 50 uv/m and 1 mv/m contour of the proposed operation and the availability of other such FM broadcast service to said area and population.

Released: December 30, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 59-44; Filed, Jan. 2, 1959; 8:51 a. m.]

[Docket No. 12693; FCC 58M-1505]

TOBACCO VALLEY BROADCASTING CO.

Order Continuing Hearing Conference

In re application of The Tobacco Valley Broadcasting Company, Windsor, Connecticut, Docket No. 12693, File No. BP-11339; for construction permit.

The Hearing Examiner having under consideration a joint "Motion to Postpone Prehearing Conference" filed on December 22, 1958 by counsel for all parties (except the Chief, Broadcast Bureau), requesting that the prehearing conference now scheduled for January 5, 1959 be postponed to a date to be specified by later order of the Hearing Examiner;

It appearing that the reason for the requested postponement is the need for affording time to review an application filed by Telecolor Corporation, a party respondent herein, in order to determine its effect on this proceeding; and

It further appearing that counsel for the Chief, Broadcast Bureau, has no objection to the relief requested by movants, and that good cause has been shown for the granting of such relief;

Accordingly, it is ordered, This 24th day of December 1958, that the subject motion is granted, and that the prehearing conference now scheduled for January 5, 1959, is postponed to a date to be set by subsequent order of the Hearing Examiner, pending action by the Commission on the application (BP-12632) of Telecolor Corporation.

Released: December 29, 1958.

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 59-45; Filed, Jan. 2, 1959; 8:51 a. m.]

[Docket No. 12706; FCC 58M-1512]

JACK L. GOODSITT (WTOJ)

Notice of Prehearing Conference

In re application of Jack L. Goodsitt (WTOJ), Tomah, Wisconsin, Docket No. 12706, File No. BP-11715; for construction permit.

A prehearing conference will be held Monday, January 12, 1959, at 11 a. m., in the offices of the Commission, Washington, D. C.

Dated: December 29, 1958.

Released: December 29, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 59-46; Filed, Jan. 2, 1959; 8:52 a. m.]

[Docket No. 12713; FCC 58-1237]

INTRASTATE BROADCASTERS

Order Designating Application for Hearing on Stated Issues

In re application of Harriscope, Inc., Abbot London & Saul R. Levine, d/b as Intrastate Broadcasters, Pomona-Claremont, California, Docket No. 12713, File No. BP-11687; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 23d day of December 1958;

The Commission having under consideration the above-captioned application of Harriscope, Inc., Abbot London & Saul R. Levine, d/b a. Intrastate Broadcasters, for a construction permit for a new standard broadcast station to operate on 1220 kilocycles with a power of 250 watts, directional antenna, daytime only, at Pomona-Claremont, California;

It appearing, that except as indicated by the issues specified below, the applicant is legally, financially, technically and otherwise qualified to operate the proposed station, but that the proposed operation would cause objectionable interference to Station KGFJ, Los Angeles, California, and that, in support of its request for dual city operation in Pomona and Claremont, California, the applicant has submitted no showing, as required by § 3.30 (b) of the Commission's rules, that, if licensed to serve only one city, an unreasonable burden would result from the requirement of originating a majority of the programs from that city; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the applicant and Station KGFJ were advised of the aforementioned deficiencies; that the licensee of Station KGFJ, by letter of February 27, 1958, has requested that the application be designated for hearing; and that the Commission was unable to conclude that the application could be granted without hearing; and

It further appearing that in reply to the Commission's letter, the applicant filed an amendment on November 24, 1958, which includes a showing purporting to meet the requirements of § 3.30 of the Commission's rules; but that the applicant has not made the aforementioned showing of unreasonable burden; and

It further appearing, that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operation and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation would cause objectionable interference to Station KGFJ, Los Angeles, California, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether the instant proposal is in accordance with the requirements of § 3.30 (b) of the rules of the Commission; and, if not, whether circumstances exist which would warrant a waiver of said section.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That Ben S. McGlashan, licensee of Station KGFJ, is made a party to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant and party respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: December 30, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 59-47; Filed, Jan. 2, 1959; 8:52 a. m.]

[Docket Nos. 12716–12718; FCC 58–1240]

ABACOA RADIO CORP. ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re application of Abacoa Radio Corporation, Arecibo, Puerto Rico, Docket No. 12716, File No. BPCT–2459; Western Broadcasting Corporation of Puerto Rico, Aguadilla, Puerto Rico, Docket No. 12717, File No. BPCT–2537; Jose A. Bechara, Jr., A. Gimenez-Aguayo, and Reynaldo Barletta, a partnership, Aguadilla, Puerto Rico, Docket No. 12718, File No. BPCT–2551; for construction permits for new television broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 23d day of December 1958;

The Commission having under consideration the above-captioned applications, each requesting a construction permit for a television broadcast station to operate on Channel 12, assigned to Arecibo-Aguadilla, Puerto Rico; Abacoa Radio Corporation specifying Arecibo, Puerto Rico, as its station location and Western Broadcasting Corporation of Puerto Rico and Jose A. Bechara, Jr., A. Gimenez-Aguayo, and Reynaldo Barletta, a partnership, specifying Aguadilla, Puerto Rico, as their station locations; and

It appearing, that the applications of Abacoa Radio Corporation, Western Broadcasting Corporation of Puerto Rico and Jose A. Bechara, Jr., A. Gimenez-Aguayo, and Reynaldo Barletta, a partnership, are mutually exclusive in that operation by all three applicants as proposed would result in mutually destructive interference; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, Abacoa Radio Corporation, Western Broadcasting Corporation of Puerto Rico and Jose A. Bechara, Jr., A. Gimenez-Aguayo, and Reynaldo Barletta, a partnership, were advised by letters that their applications were mutually exclusive, of the necessity for a hearing and were advised of all objections to their applications and were given an opportunity to reply; and

It further appearing, that Abacoa Radio Corporation and Sucesion Luis Pirallo-Castellanos (BPCT–2158), applicant for Channel 3 in Mayaguez, Puerto Rico, currently in comparative hearing (Docket Nos. 11811 and 11812) are under substantially common ownership and that there would be a substantial overlap in coverage if both received grants which would appear to be prohibited by § 3.636 of the Commission's rules, and

It further appearing, that Abacoa's financial proposals are based upon the use of the same funds as those committed by Sucesion for construction and operation of its proposed television broadcast station on Channel 3 in Mayaguez; and

It further appearing that upon due consideration of the above-captioned applications, the amendments thereto, and the replies to the above letters, the Commission finds that pursuant to section 309 (b) of the Communications Act of 1934, as amended, a hearing is necessary; that Abacoa Radio Corporation is legally qualified to construct, own and operate the proposed television broadcast station and technically so qualified except as to issues "3", "4" and "5" below and is otherwise qualified except as to issue "1" below; and that Western Broadcasting Corporation of Puerto Rico and Jose A. Bechara, Jr., A. Gimenez-Aguayo, and Reynaldo Barletta, a partnership, are legally, financially, technically and otherwise qualified to construct, own and operate the proposed television broadcast stations.

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-captioned applications of Abacoa Radio Corporation, Western Broadcasting Corporation of Puerto Rico and Jose A. Bechara, Jr., A. Gimenez-Aguayo and Reynaldo Barletta, a partnership, are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order upon the following issues:

1. To determine whether the proposal of Abacoa Radio Corporation would be consistent with the provisions of § 3.636 of the Commission's rules.

2. To determine whether Abacoa Radio Corporation is financially qualified to construct, own and operate the proposed television broadcast station.

3. To determine whether the profile graphs submitted by Abacoa Radio Corporation comply with the provisions of § 3.684 (d) of the Commission's rules.

4. To determine whether the minimum field intensity specified in § 3.685 of the Commission's rules would be provided over the principal community under Abacoa Radio Corporation's proposal.

5. To determine whether the type number specified for the multiplexer in Abacoa Radio Corporation's application is the same as that indicated by the manufacturer and on file with the Commission.

6. To determine on a comparative basis which of the operations proposed in the above-captioned applications would best serve the public interest, convenience and necessity in light of the significant differences among the applicants as to:

a. The background and experience of each having a bearing on its ability to own and operate the proposed television broadcast station.

b. The proposals of each with respect to the management and operation of the proposed television broadcast stations.

c. The programming service proposed in each of the above-captioned applications.

7. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner on his own motion or upon petition properly filed by a party to the proceeding and upon a sufficient allegation of facts in support thereof, by the addition of the following issue: To determine whether the funds available to the applicants will give reasonable assurance that the proposals set forth in the applications will be effectuated.

It is further ordered, That to avail themselves of the opportunity to be heard Abacoa Radio Corporation, Western Broadcasting Corporation of Puerto Rico and Jose A. Bechara, Jr., A. Gimenez-Aguayo, and Reynaldo Barletta, a partnership, pursuant to § 1.140 (c) of the Commission's rules, in person or by attorney, shall within twenty (20) days of the mailing of this order file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: December 30, 1958.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 59-48; Filed, Jan. 2, 1959, 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G–14949, etc.]

L. L. HORNE ET AL.

Notice of Applications and Date of Hearing

DECEMBER 29, 1958.

In the matters of L. L. Horne,[1] Docket No. G–14949; Consolidated Oil & Gas, Inc.,[2] Docket No. G–15436; Caroline Hunt Sands and Loyd B. Sands,[3] Docket No. G–15492; Sweetland & Burns,[4] Docket No. G–15984; Bluestone #2,[5] Docket No. G–16262; Bluestone #3,[6] Docket No. G–16264; Bluestone Oil & Gas Company,[7] Docket No. G–16265; Bluestone #4,[8] Docket No. G–16272; Spencer #1,[9] Docket No. G–16273; French A. See, et al.,[7] Docket No. G–16276; Anderson Petroleum (Operator), et al.,[9] Docket No. G–16282; Earl Vest, et al.,[9] Docket No G–16389; James A. Hughes and Hazel Lee Hughes,[10] Docket No. G–16456.

Each of the above-designated parties hereinafter referred to as Applicants, has filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the respective applicants to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in their respective applications which are on file with the Commission and open to public inspection.

Applicants produce and propose to sell natural gas for transportation in interstate commerce for resale as indicated below:

Docket No.; Field and Location and Purchaser

G 14949; Puckett Field, Pecos County, Tex.; Permian Basin Pipeline Company.

G 15436, Horse Tail Field, Logan County, Colo.; Kansas-Nebraska Natural Gas Company, Inc.

G 15492; Northwest Oberlin Area, Allen Parish, La., United Gas Pipe Line Company.

G 15984, Grant District, Cabell County, W. Va., United Fuel Gas Company.

See footnotes at end of document.

G–16262; Southwest District, Doddridge County, W. Va.; Carnegie Natural Gas Company.

G–16264; Southwest District, Doddridge County, W. Va.; Carnegie Natural Gas Company.

G–16265; Southwest District, Doddridge County, W. Va.; Carnegie Natural Gas Company.

G–16272; Southwest District, Doddridge County, W. Va.; Carnegie Natural Gas Company.

G–16273; Freeman's Creek District, Lewis County, W. Va.; Carnegie Natural Gas Company.

G–16276; Collins Settlement District, Lewis County, W. Va.; Equitable Gas Company.

G–16282; Whiterock Field, Noble County, Okla.; Cities Service Gas Company.

G–16389; Emperor-Deep Field, Winkler County, W. Va.; West Texas Gathering Company.

G–16456; Skin Creek District, Lewis County, W. Va.; Equitable Gas Company.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 29, 1959 at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C. concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 23, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[1] L. L. Horne, nonoperator, is filing for his 3.125 percent working interest in 640 acres and is a signatory party to a ratification agreement (also signed by buyer) dated May 22, 1957, of a basic gas sales contract dated February 8, 1952, as amended, between Phillips Petroleum Company, seller, and Permian, buyer.

[2] Consolidated Oil & Gas, Inc. (formerly Consolidated Rimrock Oil Corporation), is filing for its 35.65 and 30.367 percent working interests in the Allen and McRoberts Leases, respectively, and is a signatory seller party to the gas sales contract dated May 20, 1957, through the signature of Colorado Western Exploration, Inc., which party was merged with Consolidated Rimrock Oil Corporation as of April 30, 1958.

[3] Caroline Hunt Sands and Loyd B. Sands, Applicants, are both signatory seller parties to the gas sales contract dated June 24, 1958.

[4] Sweetland & Burns, Applicant, is a mining partnership comprised of Sweetland Land and Mineral Company, Maggie Burns, Wallace E. Burns, Jo Emma Stevens and Lula B. Priestly, which is filing through its Agent, E. B. Curry, for authorization to sell natural gas from the subject acreage. All of the above-named partners are signatory seller parties to the gas sales contract dated September 18, 1957.

[5] Bluestone No. 2, Bluestone No. 3, Bluestone No. 4, and Bluestone Oil and Gas Company, Applicants in Docket Nos. G–16262, G–16264, G–16272 and G–16265, respectively, are partnerships, which in the first three instances are comprised of Robert L. Holland, et al., (the parties who make up the et al., are not indicated). In each instance, the Applicant is filing through its Agent, Robert L. Holland, for authorization to sell natural gas produced from the subject acreages pursuant to four gas sales contracts dated March 13, 1958 (Docket No. G–16262), two contracts each dated June 14, 1958 (Docket Nos. G–16264 and G–16272) and July 12, 1957 (indicated as June 12, 1957, in the application in Docket No. G–16265). Robert L. Holland has signed all of the subject contracts as Agent for the Applicants involved.

[6] Spencer No. 1, Applicant, a partnership consisting of C. V. Chrislip, et al., (the individuals comprising the et al. are not indicated), is filing through its agent, Hugh K. Spencer, for authorization to sell natural gas produced from the subject acreage. Hugh K. Spencer has signed the gas sales contract dated June 2, 1958, as agent for C. V. Chrislip, et al.

[7] French A. See, et al., Applicants, is a partnership, of which partnership, French A. See is a member. The individuals comprising the et al., are not indicated. French A. See is the only signatory seller party to the gas sales contract dated May 13, 1958.

[8] Anderson Petroleum, Operator, is filing for itself and on behalf of the following nonoperating owners of working interests: Jess Harris and Tom Nix; in addition, Operator is filing on behalf of two owners of overriding royalty interests: Jo Durwood Pate and Joe H. Pate. All are signatory seller parties to the gas sales contract dated August 21, 1958.

[9] Earl Vest is filing for himself and on behalf of the following co-owners; Sam Vest, Arnett Dorbandt and Bert Ross, which individuals comprise a joint-venture operating under the name of Vests, Dorbandt and Ross. All co-owners are signatory seller parties to the gas sales contract dated August 25, 1958. Production is limited to depth of 3,500 feet.

[10] James A. Hughes and Hazel Lee Hughes, Applicants, are both signatory seller parties to the gas sales contract dated June 30, 1958.

[F. R. Doc. 59–16; Filed, Jan. 2, 1959; 8:46 a. m.]

[Docket No. G–17295]

PHILLIPS PETROLEUM CO.

Order for Hearing and Suspending Proposed Change in Rate

DECEMBER 24, 1958.

Phillips Petroleum Company (Operator) (Phillips) on November 26, 1958, tendered for filing a proposed change in its presently effective rate schedule [1] for sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated November 24, 1958.

Purchaser: Northern Natural Gas Company.

Rate schedule designation: Supplement No. 8 to Phillips' FPC Gas Rate Schedule No. 24.

Effective date: January 1, 1959 (effective date is that proposed by Phillips).

In support of the proposed increased price, Phillips states that the periodic escalation provisions are a part of the bargained average price and that these provisions were negotiated at arm's-length bargaining. Phillips cited its exhibits in Docket Nos. G–1148, et al. (general investigation of Phillips' rates).

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provision of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change and that Supplement No. 8 to Phillips' FPC Gas Rate Schedule No. 24 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 8 to Phillips' FPC Gas Rate Schedule No. 24.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until June 1, 1959, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[1] Presently effective rate is subject to refund in Docket G–11641 and order in Docket No. G–6621.

[F. R. Doc. 59–17; Filed, Jan. 2, 1959; 8:47 a. m.]

[Docket No. G-17230]

GRAY WOLFE CO.

Order for Hearing and Suspending Proposed Change in Rate

DECEMBER 24, 1958.

The Gray Wolfe Company (Gray Wolfe) on October 24, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated October 20, 1958.
Purchaser: Tennessee Gas Transmission Company.
Rate schedule designation: Supplement No. 6 to Gray Wolfe's FPC Gas Rate Schedule No. 1.
Effective date: January 1, 1959 (effective date is that proposed by Gray Wolfe).

In support of the proposed increase Gray Wolfe submitted three cost-of-service studies. Cost studies applicable to total gas operations were prepared using both the Btu and sales and/or reserve realization methods of allocating costs between gas and liquids. Gray Wolfe states that in all instances, amounts were taken from the books and records of the company and adjusted to exclude all income, expense and investment applicable to producing and nonproducing royalty.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 6 to Gray Wolfe's FPC Gas Rate Schedule No. 1 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 6 to Gray Wolfe's FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until June 1, 1959 and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-18; Filed, Jan. 2, 1959; 8:47 a. m.]

[Docket Nos. G-17316, G-17321]

SUNRAY MID-CONTINENT OIL CO. AND PARKER PETROLEUM CO., INC., ET AL.

Order for Hearings and Suspending Proposed Changes in Rates

DECEMBER 24, 1958.

In the matters of Sunray Mid-Continent Oil Company, Docket No. G-17316; Parker Petroleum Company, Inc. (Operator), et al., Docket No. G-17321.

The proposed changes hereinafter designated, which constitute rates and charges in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission, have been tendered for filing by the above-named Respondents. In each filing, the purchaser is Colorado Interstate Gas Company, and the Respondents have proposed January 1, 1959 as the effective date of the changes.[1]

Respondent: Sunray Mid-Continent Oil Company (Sunray).
Description: Notices of Change dated November 25, 1958.
Rate schedule designation: Supplement No. 4 to Sunray's FPC Gas Rate Schedule No. 57. Supplement No. 6 to Sunray's FPC Gas Rate Schedule No. 111. Supplement No. 3 to Sunray's FPC Gas Rate Schedule No. 73.
Respondent: Parker Petroleum Company, Inc. (Operator), et al. (Parker).
Description: Notice of Change dated November 25, 1958.
Rate schedule designation: Supplement No. 1 to Parker's FPC Gas Rate Schedule No. 10.

In support of the proposed redetermined increases, Respondents state that the rate represents the contract price that was negotiated in good faith and at arm's-length and is just and reasonable. Further, they state the the increase is needed to enable them to receive a higher return contemporaneously with the inevitable increase in production, exploration, development, operating, and maintenance costs occurring as field pressure and deliverability decline. Further, in support of its proposed 16.0¢ rate, Sunray states that, on the basis of oil prices, gas as fuel is worth more than 51.0¢ per Mcf.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful.

The Commissions finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearing and decision thereon, each of said supplements be and it is hereby suspended and the use thereof deferred until June 1, 1959, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) None of the several supplements hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until the relevant proceeding has been disposed of or until the applicable period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 59-20; Filed, Jan. 2, 1959; 8:47 a. m.]

[Docket No. G-17292, etc.]

MacDONALD, BURNS AND NORRIS NO. 2 ET AL.

Order for Hearings and Suspending Proposed Changes in Rates[1]

DECEMBER 24, 1958.

In the matters of MacDonald, Burns and Norris No. 2, Docket No. G-17292; Nor-Mac-Burns Company, Docket No. G-17293; The Superior Oil Company, Docket No. G-17294.

The proposed charges hereinafter designated, which constitute increased rates and charges in presently effective rate schedules for sales of natural gas subject to the Commission, were each tendered for filing by the above-named Respondents on November 28, 1958. In each filing, the purchaser is Colorado Interstate Gas Company and the Respondents have proposed January 1, 1959, as the effective date of the changes.

[1] This order does not provide for the consolidation for hearing or disposition of the several matters which are the subject of this order, nor should it be so construed.

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

Respondent	Rate schedule No.	Supp. No.	Notice of change dated	Supp. agreement dated
1. MacDonald, Burns and Norris No. 2	1	1		Nov. 5, 1958
2. MacDonald, Burns and Norris No. 2	1	2	Nov. 26, 1958	
3. Nor-Mac-Burns Co	1	1		Nov. 5, 1958
4. Nor-Mac-Burns Co	1	2	Nov. 25, 1958	
5. The Superior Oil Co	25	14	Nov. 26, 1958	

In support of the proposed increased rates, Respondent cited their contract redetermination provisions. MacDonald, Burns and Norris stated that their present returns indicate a return of the investment plus 5 percent after tax. Superior stated that it would not have entered into the contract without the increase provisions.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decision thereon, the aforesaid supplements each hereby are suspended until June 1, 1959, and thereafter until each is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by § 1.8 or 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 59-19; Filed, Jan. 2, 1959; 8:47 a. m.]

[Docket No. G-17330]

EAST TENNESSEE NATURAL GAS CO.

Order Providing for Hearing, Suspending Proposed Revised Tariff Sheets and Allowing Certain Other Revised Tariff Sheets To Become Effective

DECEMBER 24, 1958.

East Tennessee Natural Gas Company (East Tennessee) on November 28, 1958, tendered for filing Third Revised Sheets Nos. 5, 8, 11, 14, 16, 17, 19 and 20, to its FPC Gas Tariff, Third Revised Volume No. 1, proposing an annual increase in its rates and charges amounting to $615,445, or 7.4 percent, based on sales during the year ended August 31, 1958, as adjusted. The proposed increase is in addition to increased rates now in effect subject to refund in Docket Nos. G-5470 and G-12264.

On the same date, September 28, 1958, East Tennessee tendered for filing Third Revised Sheet No. 3, First Revised Sheet No. 23, and Third Revised Sheets Nos. 43 and 44, to its FPC Gas Tariff, Third Revised Volume No. 1, comprising a revised map, definitions to its General Terms and Conditions, and Index of Purchasers, respectively, with the request that they be accepted for filing to become effective on January 1, 1959, without suspension, no change in rate or charge being involved. The map and definitions reflect a minor change in boundary between East Tennessee's two rate zones.

In support of its proposed rate increase, East Tennessee submits actual cost data for the year ended August, 1958, with adjustments. The adjustments reflect (1) increases in purchased gas costs to reflect a proposed rate increase by Tennessee Gas Transmission Company (Tennessee Gas), (b) a decrease in firm sales and a discontinuance of direct off-peak sales, and (c) increases in expenses reflecting changes in salaries, reduced pension cost caused by employee turnover, and the operation losses of a subsidiary company. East Tennessee also claims a 6½ percent rate of return stating such return is a minimum necessary to meet current operating expenses, service debt capital while maintaining financial integrity, and to attract new capital.

Since East Tennessee's proposed increase is based primarily on the increased rates and charges filed on November 14, 1958, by its sole supplier, Tennessee Gas which were not shown to be justified and were suspended by Commission order issued December 12, 1958, in Docket No. G-17166, until May 15, 1959, East Tennessee's filing is subject to the same suspension infirmity. The company requests an effective date of January 1, 1959, for its proposed increased rate, and further, that in the event of suspension, the suspension period be co-terminus with that of Tennessee Gas.

The increased rates and charges provided for in the revised tariff sheets tendered by East Tennessee on November 28, 1958, have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a public hearing concerning the lawfulness of the rates, charges, classifications, and services contained in East Tennessee's FPC Gas Tariff, Third Revised Volume No. 1, as proposed to be amended by Third Revised Sheets Nos. 5, 8, 11, 14, 16, 17, 19, and 20, and that said proposed revised tariff sheets and the rates contained therein be suspended and the use thereof deferred as hereinafter provided.

(2) Good cause has been shown that First Revised Sheet No. 23, and Third Revised Sheets Nos. 3, 43, and 44, to East Tennessee's FPC Gas Tariff, Third Revised Volume No. 1, be accepted for filing and that they be permitted to become effective on January 1, 1959.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held on a date to be fixed by notice from the Secretary concerning the lawfulness of the rates, charges, classifications, and services contained in East Tennessee's FPC Gas Tariff, Third Revised Volume No. 1, as proposed to be amended by Third Revised Sheets Nos. 5, 8, 11, 14, 16, 17, 19 and 20.

(B) Pending such hearing and decision thereon, East Tennessee's proposed Third Revised Sheets Nos. 5, 8, 11, 14, 16, 17, 19 and 20, to its FPC Gas Tariff, Third Revised Volume No. 1, be and they are each hereby suspended and the use thereof deferred until May 15, 1959, and until such further time as they may be made effective in the manner prescribed by the Natural Gas Act.

(C) First Revised Sheet No. 23, and Third Revised Sheets Nos. 3, 43 and 44, to East Tennessee's FPC Gas Tariff, Third Revised Volume No. 1, are hereby accepted for filing and allowed to become effective on January 1, 1959.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR, 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[H. R. Doc. 59-21; Filed, Jan. 2, 1959; 8:47 a. m.]

[Docket No. G-17345]

MORGAN MINERALS CORP.

Order for Hearing and Suspending Proposed Change in Rate

DECEMBER 24, 1958.

Morgan Minerals Corporation (Morgan) on November 26, 1958, tendered for filing a proposed change in its presently effective rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.
Purchaser: Tennessee Gas Transmission Company.

Rate schedule: Supplement No. 6 to Morgan's FPC Gas Rate Schedule No. 2.

Effetcive date: January 1, 1959 (effective date is that proposed by Morgan).

In support of its proposed redetermined increased rate for gas sales in Victoria County, Texas, Morgan submitted a letter agreement and cites the pertinent provisions of its contract with Tennessee Gas Transmission Company. Morgan states that the contract was negotiated at arm's length prior to June 7, 1954, and that the pricing provisions are an integral part of the contract. Although Morgan submitted cost data in support of the increased rate, it contains questionable items and additional information would be required for the Commission's consideration.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 6 to Morgan's FPC Gas Rate Schedule No. 2 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I) a public hearing to be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Supplement No. 6 to Morgan's FPC Gas Rate Schedule No. 2.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until June 1, 1959, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 59-22; Filed, Jan. 2, 1959; 8:47 a. m.]

[Docket Nos. G-17074, et al.]

HARRELL DRILLING CO. ET AL.

Order for Hearings and Suspending Proposed Changes in Rates

DECEMBER 29, 1958.

In the document issued December 2, 1958 (23 F. R. 10093), change the second and third sentences of the second paragraph to read as follows: "All Respondents, with the exception of Pan American Petroleum Corporation and Tidewater Oil Company, propose an effective date of January 1, 1959. Pan American and Tidewater request that their filings be permitted to become effective as of December 8, 1958."

In ordering clause (B), after "Pan American Petroleum Corporation" insert "and Tidewater Oil Company".

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 59-23; Filed, Jan. 2, 1959; 8:47 a.m.]

[Docket No. G-12542]

CITIES SERVICE GAS CO.

Notice of Application and Date of Hearing

DECEMBER 24, 1958.

In the notice issued in the above docketed proceeding on December 22, 1958, change the date of hearing from January 18, 1959 to January 19, 1959.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 59-24; Filed, Jan. 2, 1959; 8:47 a. m.]

FEDERAL TRADE COMMISSION

[File No. 21-526]

AUTOMOTIVE TIRE AND TUBE REPAIR MATERIAL MANUFACTURING INDUSTRY

Notice of Trade Practice Conference

A trade practice conference for the Automotive Tire and Tube Repair Material Manufacturing Industry will be held under the auspices of the Federal Trade Commission commencing at 10 a. m., e. s. t., Tuesday, January 20, 1959, in Room 332, Federal Trade Commission Building, Pennsylvania Avenue at Sixth Street NW., Washington, D. C.

The conference will be held under the general supervision of the Honorable Sigurd Anderson, Federal Trade Commissioner, and will constitute the first step in proceedings authorized by the Commission for the establishment of trade practice rules for the industry. All persons, firms, corporations and organizations engaged in the manufacture and sale of tire and tube repair material, or equipment and accessories used in the application thereof, are cordially invited to attend and participate in this meeting.

The products of the industry include tire and tube patches, plugs, boots, rubber replacement valves, valve cores, valve caps, patch kits, cement, clamps, friction tape, vulcanizing patches, tire chemical cleaners, solvents and similar materials used in the repair of automotive tires and tubes. Tread rubber, tire liners, tire paint, and equipment used in removing tires from wheels or remounting thereon, are not included.

The purpose of the conference is to afford all members of this industry an opportunity to consider, and propose for establishment, subject to the Commission's approval, rules designed to eliminate and prevent unfair methods of competition, unfair or deceptive acts or practices, and other trade abuses violative of laws administered by the Commission. Any industry member may submit suggested trade practice rules for consideration at the conference and take part in the consideration and discussion of proposals or suggestions presented by others.

Among the subjects for rules which have been suggested for consideration at the conference are: misrepresentation and deception (general); defamation of competitors or false disparagement of their products; inducing breach of contract; imitation or simulation of trade marks, trade names, etc.; commercial bribery; exclusive deals; prohibited discriminatory prices, promotional allowances, etc.; false and misleading price quotations; false invoicing; prohibited sales below cost; coercing purchase of one product as a prerequisite to the purchase of other products; push money, and enticing away employees of competitors.

Issued: December 30, 1958.

By direction of the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 59-15; Filed, Jan. 2, 1959; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24D-2235]

INTER-RIVER CORP.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

DECEMBER 24, 1958.

I. Inter-River Corporation (Inter-River), a Nevada corporation, 555 San Pablo Drive, Las Vegas, Nevada, filed with the Commission on July 1, 1957, a notification and offering circular and subsequently filed amendments thereto relating to a proposed public offering of 269,345 shares of its common stock, $1.00 par value, at $1.00 per share for an aggregate of $269,345 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission has reasonable cause to believe that Regulation A is unavailable to Inter-River in that the president, director, promoter, and controlling shareholder of Inter-River was convicted in the Superior Court for Tulare County, California of violations of the Corporate Securities Law of California within the meaning of Rule 252 (d) (1) of Regulation A.

III. *It is ordered,* Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as

amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given to Inter-River and to any person having any interest in the matter that this order has been entered; that the Commission upon receipt of a written request within thirty days after entry of this order will, within twenty days after the receipt of such request, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether to vacate the order or to enter an order permanently suspending the exemption, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect, unless or until it is modified or vacated by the Commission, and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 59-6; Filed, Jan. 2, 1959; 8:45 a. m.]

[File No. 24D-1779]

ACADEMY URANIUM & OIL CORP.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

DECEMBER 24, 1958.

I. Academy Uranium & Oil Corporation (Academy), a Utah corporation, 65 East Fourth South Street, Salt Lake City, Utah, filed with the Commission on June 10, 1955, a notification on Form 1-A and offering circular, and filed various amendments thereto, relating to an offering of 15,000,000 shares of its 1¢ par value common stock at 1¢ per share for an aggregate of $150,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A, promulgated thereunder; and

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with in that Academy has failed to file reports of sales as required by Rule 224;

B. Western States Investment Co., Inc., the corporate successor to the named partnership underwriter, and its officers and directors were enjoined on January 4, 1957, by the United States District Court for the District of Utah, from engaging in or continuing a conduct or practice in connection with the purchase or sale of securities within the meaning of Rule 223 (a) (6) under Regulation A;

C. The notification and offering circular contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, concerning, among other things, the failure to disclose the above injunction and to disclose that the named underwriter and its successor are no longer in the securities business.

D. The offering would be made in such manner as to operate as a fraud and deceit upon purchasers.

III. *It is ordered,* Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given, that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this Order of Suspension should be vacated or made permanent, without prejudice, however, to the consideraiton and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 59-7; Filed, Jan. 2, 1959; 8:45 a. m.]

[File No. 24D-1889]

DINOSAUR URANIUM CORP.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

DECEMBER 24, 1958.

I. Dinosaur Uranium Corporation, a Utah corporation, 15 Exchange Place, Salt Lake City, Utah, filed with the Commission on August 15, 1955, a notification on Form 1-A and offering circular, and filed various amendments thereto, relating to an offering of 16,500,000 shares of its 1¢ par value common stock at 1¢ per share for an aggregate of $165,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission has reasonable cause to believe that:

A. Western States Investment Co., Inc, the corporate successor to the named partnership underwriter, and its officers and directors were enjoined on January 4, 1957, by the United States District Court for the District of Utah, from engaging in or continuing a conduct or practice in connection with the purchase or sale of securities within the meaning of Rule 223 (a) (6) under Regulation A;

B. The notification and offering circular contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, concerning, among other things, the failure to disclose the above injunction and to disclose that the named underwriter and its successor are no longer in the securities business;

C. The offering would be made in such manner as to operate as a fraud and deceit upon purchasers.

III. *It is ordered,* Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given, that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this Order of Suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 59-8; Filed, Jan. 2, 1959; 8:45 a. m.]

[File No. 7-1957]

OUTBOARD MARINE CORP.

Notice of Application for Unlisted Trading Privileges, and of Opportunity for Hearing

DECEMBER 29, 1958.

In the matter of application by the Boston Stock Exchange for unlisted trading privileges in Outboard Marine Corporation, common stock; File No. 7-1957.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule 12f-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before January 13, 1959 from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may

submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 59-9; Filed, Jan. 2, 1959; 8:45 a. m.]

[File No. 7-1956]

AMERICAN BOSCH ARMA CORP.

Notice of Application for Unlisted Trading Privileges, and of Opportunity for Hearing.

DECEMBER 29, 1958.

In the matter of application by the Boston Stock Exchange for unlisted trading privileges in American Bosch Arma Corporation, common stock; File No. 7-1956.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule 12f-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before January 13, 1959 from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 59-10; Filed, Jan. 2, 1959; 8:46 a. m.]

[File No. 7-1955]

CORN PRODUCTS CO.

Notice of Application for Unlisted Trading Privileges, and of Opportunity for Hearing

DECEMBER 29, 1958.

In the matter of application by the Boston Stock Exchange for unlisted trading privileges in Corn Products Company, common stock; File No. 7-1955.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule 12f-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before January 13, 1959 from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 59-11; Filed, Jan. 2, 1959; 8:46 a. m.]

[File No. 70-3750]

MISSISSIPPI POWER & LIGHT CO.

Notice of Filing of Declaration Regarding Proposal to Issue Notes to Banks

DECEMBER 24, 1958.

Notice is hereby given that Mississippi Power & Light Company ("Mississippi"), a public-utility subsidiary of Middle South Utilities, Inc. ("Middle South"), a registered holding company, has filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), a declaration regarding a proposal by Mississippi to issue and sell notes to banks, which in the aggregate will not exceed $5,000,000, and has specified sections 6 (e) and 7 of the Act as applicable to the proposed transaction.

Mississippi has entered into a Credit Agreement with the following banks and for the amounts indicated, pursuant to which, subject to requisite regulatory approval, it proposes to issue and sell, from time to time, during the period from January 15, 1959 to January 15, 1961 its promissory notes not to exceed at any one time outstanding an aggregate face amount of $5,000,000.

The Hanover Bank	$2,500,000
Deposit Guaranty Bank & Trust Company	1,150,000
First National Bank of Jackson	750,000
Grenada Bank	200,000
The First National Bank & Trust Company of Vicksburg	110,000
Greenville Bank & Trust Company	100,000
The Merchants National Bank and Trust Company of Vicksburg	$90,000
The Commercial National Bank of Greenville	60,000
The First National Bank of Greenville	40,000
	5,000,000

Loans are to be evidenced by notes of the company payable on or before January 15, 1961 and will bear interest at the rate of 4 percent per annum. The credit agreement also provides for the payment of a commitment fee computed at the rate of one quarter of one percent per annum on the daily average unused amount of commitments during the term of the credit agreement after June 15, 1959, subject however, to the right of the company, upon 10 days notice, to terminate or reduce such obligation without penalty. The credit agreement further provides that the company may prepay all or part of the loans without premium unless paid from proceeds of other bank borrowings at lower interest rate, may reborrow all or part of amounts previously prepaid and may, at its option, extend its term and the due dates of loans to January 15, 1962. However, Mississippi proposes, by this declaration, to limit the period for which approval is sought to the period ending January 15, 1961. Any extension of the credit agreement for the subsequent twelve months to January 15, 1962 will be the subject of a subsequent declaration.

The proceeds from the proposed borrowings will be used from time to time to defray a portion of the cost of Mississippi's construction program, presently estimated to result in expenditures of approximately $7,500,000 in 1959, $8,000,000 in 1960 and $9,000,000 in 1961 and for other corporate purposes.

It is stated that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

The declaration also states that the expenses to be incurred in connection with the proposed transaction are estimated at $1,150 including $1,000 for legal fees of counsel to the bank.

Notice is further given that any interested person may, not later than January 9, 1959 request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law which he desires to controvert, or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after such date the Commission may grant the application and permit the declaration to become effective, as provided by Rule 23 promulgated under the Act, or the Commission may grant exemption from its rules as provided by Rules 20 (a) and 100 thereof, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

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